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TEXAS REGISTER

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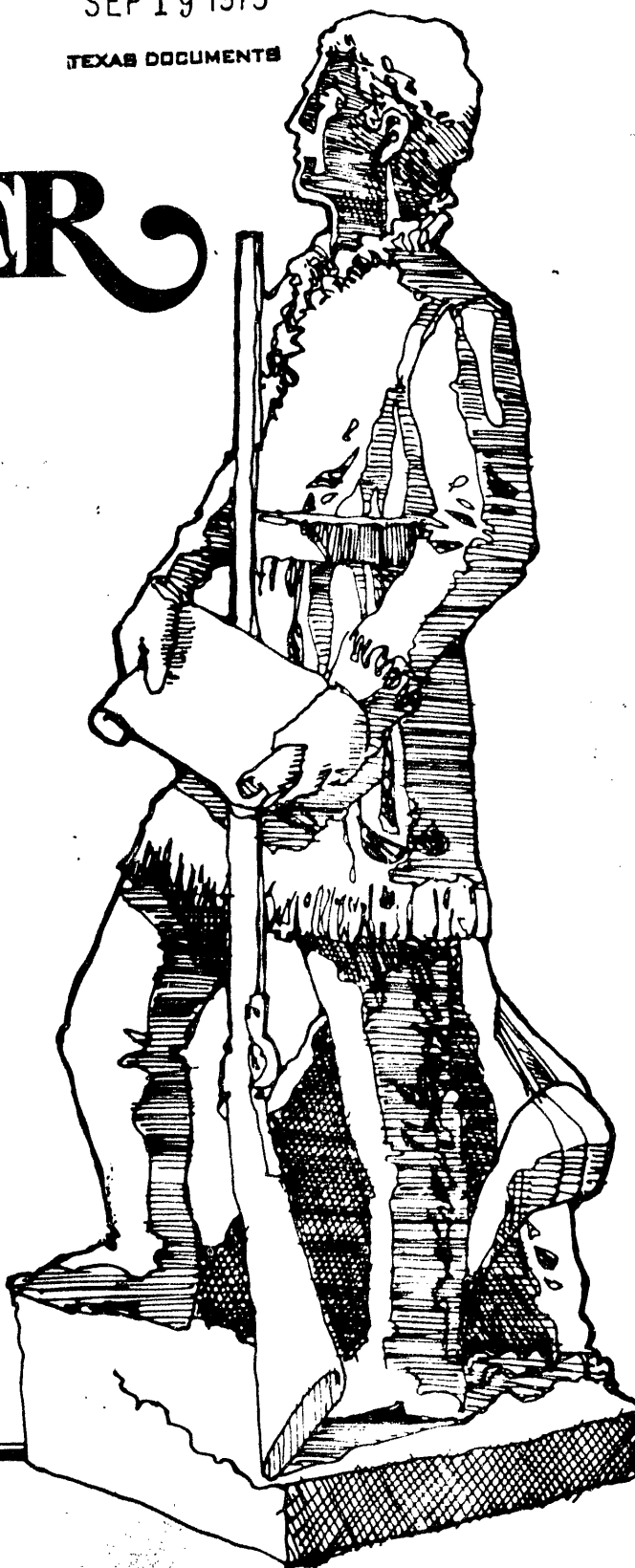
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To encourage car pooling, share-expense arrangements, and mass transit utilization, the Texas State Board of Insurance adopts, on an emergency basis, an amendment providing lower insurance premiums to those people who do not drive their cars to and from work on a regular basis. The board believes adoption on an emergency basis is necessary to at once recognize those individuals who already use energy-saving means of transportation and to encourage others to participate in such transportation.

The Texas Department of Human Resources adopts the Title XX Comprehensive Annual Services Program Plan (CASPP), which describes in detail how funds appropriated by the 66th Legislature for 1980 will be allocated, how and where services will be provided, and how the department utilizes input from staff and citizens in every Texas community in order to determine needed services and to effectively use limited funds to provide these services. Changes in the 1980 CASPP include an increase in income eligibility from 47% of state median income to 56%, and the addition of a family violence service, which will provide counseling and, at times, room and board to victims of family violence.

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

Artwork: Gary Thornton

TEXAS REGISTER

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*George W. Strake, Jr.
Secretary of State*

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Appointments

Governor's Committee on Aging

To be chairman for a term the same as the governor's tenure and until a successor has been appointed:

Omar Harvey
Executive Director, Department of Community Affairs
210 Barton Springs Road
Austin, Texas 78704

To be coordinator of aging, for a term at the pleasure of the governor. This shall be considered as an extension of his other official duties and without compensation:

Peter J. Collumb
Deputy Director, Texas Department of Community Affairs
210 Barton Springs Road
Austin, Texas 78704

Texas Air Control Board

For a six-year term to expire September 1, 1985:

John Lindsey Blair
Box 520
Kountze, Texas 77652

Mr. Blair is being reappointed.

Texas Commission on the Arts

For six-year terms to expire August 31, 1985:

Jocelyn Levi Straus
511 Argyle Avenue
San Antonio, Texas 78209

Mrs. Straus is replacing Mrs. Walter C. Emmett of Amarillo, Potter County, whose term expired.

Ann Cottrell Brown
3841 Maplewood
Dallas, Texas 75205

Mrs. Brown is replacing Mrs. L. D. Brinkman of Dallas, Dallas County, whose term has expired.

Walter N. Mathis
P. O. Box 2480
San Antonio, Texas 78298

Dr. Francis A. Morris, Jr.
3100 Red River
Austin, Texas 78705

Mary Moody Northern
2618 Broadway
Galveston, Texas 77550

These appointees are being reappointed.

State Board of Canvassers

For a two-year term to expire August 23, 1981:

Robert Rowland
1103 City National Bank Building
Austin, Texas 78701

Mr. Rowland is replacing Mrs. Blake Sparenberg of Austin, Travis County, whose term has expired.

Commission on Services to Children and Youth

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

Pat Perkins Wolverton
2103 Berkeley
Wichita Falls, Texas 76308

Mrs. Wolverton is replacing Robert C. Lanier of Houston, Harris County, who resigned.

For six-year terms to expire January 31, 1985:

Penny Butler
819 Briar Ridge
Houston, Texas 77057

Mrs. Butler is replacing Mrs. Nancy Ewald of Seguin, Guadalupe County, whose term expired.

Mary Katherine Lust
902 East Pinedale
Tyler, Texas 75701

Mrs. Lust is replacing Mrs. John T. Manry, III, of Houston, Harris County, whose term expired.

Allee J. Mitchell
3522 Ruth Street
Houston, Texas 77004

Ms. Mitchell is replacing Mrs. C. V. Rice of La Marque, Galveston County, whose term expired.

Ruby Lee Piester
2110 Hemphill
Fort Worth, Texas 76110

Mrs. Piester is replacing Mrs. Eleanor Tinsley of Houston, Harris County, whose term expired.

Donald Eric Thomas
311 Woodacre Circle
Dallas, Texas 75241

Mr. Thomas is replacing Don Haggerton, Jr., of Kingsville, Kleberg County, whose term expired.

Joannie Lynn Strawn
924 Harvest Glen
Plano, Texas 75075

Miss Strawn is replacing Miss Teresa Dunlap of Plano, Collin County, whose term expired.

Texas Civil Air Patrol Commission

For six-year terms to expire May 31, 1985:

Colonel Baylor Haynes
202 Point Royal, Route 2
Rockwall, Texas 75087

Colonel Haynes is replacing Ernest W. King, Jr., of Uvalde, Uvalde County, whose term has expired.

James Gordon Johnson
6024 Gateway East
El Paso, Texas 79905

Mr. Johnson is replacing Robert Dabney, Jr., of Houston, Harris County, whose term has expired.

Texas Coastal and Marine Council

For a six-year term to expire June 30, 1983;

George S. Hawn
101 North Shoreline, Suite 400
Corpus Christi, Texas 78401

Mr. Hawn will be filling the unexpired term of Hugh C. Yantis, of Austin, Travis County, as the governor's personal representative on the council. Mr. Yantis vacated this position when Governor Briscoe's term expired.

Texas Conservation Foundation

To be member and chairman pursuant to Senate Bill 1131, 66th Legislature, Regular Session, for a two-year term to expire June 13, 1981:

Albert B. Fay
515 Houston Avenue
Houston, Texas 77007

Texas College and University System, Coordinating Board

To be member and chairman for a six-year term to expire August 31, 1981:

Beryl Buckley Milburn
2606 Pecos
Austin, Texas 78703

Mrs. Milburn will be filling the unexpired term of Harry M. Provence of Waco, McLennan County, who resigned.

For six-year terms to expire August 31, 1985:

Tom B. Rhodes
1901 North Akard Street
Dallas, Texas 75201

Mr. Rhodes is replacing Mrs. Jess Hay of Dallas, Dallas County, whose term expired.

Harrison M. Daugherty, Jr.
One State National Plaza
El Paso, Texas 79901

Mr. Daugherty is replacing Fred Moore of Austin, Travis County, whose term expired.

R. F. Juedeman
302 First National Bank Building
Odessa, Texas 79761

Mr. Juedeman is replacing Ned Wade, Jr., of Houston, Harris County, whose term expired.

Herbert Schiff
533 N. Dentwood
Dallas, Texas 75220

Mr. Schiff is replacing Harold Herndon of San Antonio, Bexar County, whose term expired.

Mario E. Ramirez, M.D.
Route 1, Box 10
Rio Grande City, Texas 78582

Dr. Ramirez is replacing Tony Bonilla of Corpus Christi, Nueces County, whose term expired.

Texas Commission for the Deaf

Pursuant to Senate Bill 1157, 66th Legislature, Regular Session, for two-year terms to expire January 31, 1981:

Gwendel D. Butler
Texas School for the Deaf
1102 South Congress
Austin, Texas 78704

(representing deaf persons)

Beatrice Groginski
P. O. Box 968
Bellaire, Texas 77401

(professionals serving deaf)

Gayle Lindsey
404 Juniper Road
Austin, Texas 78746

(parent of deaf person)

For four-year terms to expire January 31, 1983:

Larry Evans
13710 Syracuse
San Antonio, Texas 78249

(representing deaf persons)

Ralph H. White
2504 Bluffview Drive
Austin, Texas 78704

(professional serving deaf)

Linda Lutz
905 Andrews
Laredo, Texas 78041

(general public)

For six-year terms to expire January 31, 1985:

Rudolph D. Gamblin
2100 S. Travis
Amarillo, Texas 79109

(representing deaf persons)

Stanley Eugene Neely
3600 Republic Bank Tower
Dallas, Texas 75201

(general public)

Mrs. John White, Sr.
167 Schreiner Place
San Antonio, Texas 78212

(parent of deaf person)

State Depository Board

For a two-year term to expire 8-22-81:

William Elliott
1300 Fidelity Union Tower
Dallas, Texas 75201

Mr. Elliott is replacing J. C. Dingwall of Austin, Travis County, whose term expired.

Texas Energy and Natural Resources Advisory Council

Pursuant to Senate Bill 921, Acts of the 66th Legislature, Regular Session, for terms of at the pleasure of the governor:

Edwin Lochridge Cox
3800 First National Bank Building
Dallas, Texas 75202

Michel Thomas Halbouty
5100 Westheimer
Houston, Texas 77056

Henry Burton Harkins
P. O. Box 1490
Alice, Texas 78332

Edward O. Vetter
2120 Republic National Bank Tower
Dallas, Texas 75201

The appointees will be representing the citizen positions on the board.

University of Houston

For six-year terms to expire August 31, 1985:

Charles B. Marino
3703 Yoakum Boulevard
Houston, Texas 77006

Mr. Marino is replacing Aaron J. Farfel of Houston, Harris County, whose term expired.

William A. Kistler, Jr.
P. O. Box 2539
Houston, Texas 77001

Mr. Kistler is replacing Mack H. Hannah, Jr. of Houston, Harris County, whose term expired.

Texas Advisory Commission on Intergovernmental Relations

For six-year terms to expire September 1, 1985:

Edmond S. Maxon, III
16402 Clay Road
Houston, Texas 77084 (county official)

Mr. Maxon is replacing Jack Griesenbeck of Bastrop, Bastrop County, whose term will expire.

William G. Nikolis
2626 West Mockingbird
Dallas, Texas 75235

Mr. Nikolis is being reappointed.

Texas Board of Irrigators

Pursuant to Senate Bill 259, 66th Legislature, Regular Session for six-year terms to expire January 31, 1985:

Robert I. Goehrs
9615 Yuondale
Houston, Texas 77080 (licensed irrigator)

Weldon Pool
700 West Erwin
Tyler, Texas 75702 (public member)

For four-year terms to expire January 31, 1983:

Samuel Dale Ousley
2820 Ladybird Lane
Dallas, Texas 75220 (licensed irrigator)

Henry V. Alford
P. O. Box 31388
Dallas, Texas 75231 (licensed irrigator)

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

Douglas Hawthorne
7703 Bryn Mawr
Dallas, Texas 75225 (public member)

97th Judicial District of Texas

Pursuant to Senate Bill 429, 66th Legislature, Regular Session, to be district attorney of Archer, Clay, and Montague Counties, until the next general election and until his successor shall be duly elected and qualified:

William Gregg Paul
P. O. Box 615
Henrietta, Texas 76365

302nd Judicial District of Texas

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

John H. Whittington, Jr.
515 Iris Drive
Irving, Texas 75061

Mr. Whittington is replacing Judge Greer Dowell, Dallas, Dallas County, who retired.

Commissioner of Labor and Standards

For a two-year term to expire February 1, 1981:

Lias Brown Steen
205 East Broadway
Cuero, Texas 77954

Mr. Steen is replacing G. L. (Lynn) Tate of Corpus Christi, Nueces County, whose term expired.

Commission on Law Enforcement Officer Standards and Education

For a six-year term to expire August 30, 1985:

Louise H. Wing
P. O. Box 22084
Houston, Texas 77027

Mrs. Wing will replace Frank Manning of El Paso, El Paso County, whose term expired.

Lower Colorado River Authority

For a six-year term to expire January 1, 1983:

William Thomas Archer, Jr.
2503 Jarratt
Austin, Texas 78703

Mr. Archer is appointed to fill the vacancy created by the senate's failure to confirm William Petri of Austin, Travis County.

Metric System Advisory Council

For a two-year term to expire August 29, 1981:

William F. Nicol
821 Greenbriar Lane
Dallas, Texas 75208

Mr. Nicol is being reappointed.

Texas Mining Council

For a two-year term to expire May 8, 1981:

Edward O. Vetter
2120 Republic National Bank Tower
Dallas, Texas 75201

Mr. Vetter is replacing Jon Newton of Austin, Travis County, whose term expired.

State Board of Morticians

Pursuant to Senate Bill 277, 66th Legislature, Regular Session, for a term to expire May 31, 1981:

Mrs. Sam D. Ward
363 North Post Oak Lane
Houston, Texas 77024

Mrs. Ward is being appointed to a new position representing the general public.

Texas Board of Licensure for Nursing Home Administrators

Pursuant to Senate Bill 276, 66th Legislature, Regular Session, for a two-year term to expire January 31, 1981:

Mrs. John E. Watson
14 Shadow Lane
Houston, Texas 77080

Mrs. Watson is being appointed to a new position representing the general public.

For a four-year term to expire January 31, 1983:

Mrs. Harold F. McDonald
723 Morning Hill
San Antonio, Texas 78232

Mrs. McDonald is being appointed to a new position representing the general public.

Pan American University

To the Board of Regents for a six-year term to expire August 31, 1985:

Ricardo H. Hinojosa
Post Office Box 3670
McAllen, Texas 78501

Mrs. Hinojosa is replacing Leonel Garza of Brownsville, Cameron County, whose term has expired.

Governor's Commission on Physical Fitness

For a six-year term to expire June 13, 1985:

Diego M. Vacca
2900 Ruiz
San Antonio, Texas 78237

Mr. Vacca is replacing Emory Bellard of College Station, Brazos County, whose term has expired.

Pilot Commission for the Sabine Bar, Pass, and Tributaries

For a two-year term to expire August 22, 1981:

J. Lynn Harden
470 Orleans Street
Beaumont, Texas 77701

Mr. Harden is being reappointed.

State Board of Polygraph Examiners

For a six-year term to expire June 18, 1985:

William W. Fisher
301 San Jacinto, Room 310
Houston, Texas 77002

Mr. Fisher is being reappointed.

Public Utility Commission of Texas

To be commissioner for a six-year term to expire September 1, 1985:

Henry Moak Rollins, Ph.D.
4509 Cat Mountain Drive
Austin, Texas 78731

Dr. Rollins is replacing Alan Russell Erwin of Baytown, Harris County, who resigned.

State Purchasing and General Services Commission

Pursuant to House Bill 1673, 66th Legislature, Regular Session, for a two-year term to expire January 31, 1981:

Henry C. Wender
4310 Hallmark Drive
Dallas, Texas 75229

For a four-year term to expire January 31, 1983:

Charles C. Gaither
8333 Verdeland Drive
El Paso, Texas 79907

For a six-year term to expire January 31, 1985:

Robert H. Dedman
P. O. Box 34355
Dallas, Texas 75234

Mr. Dedman is designated chairman of this commission.

Advisory Council on Small Business Assistance

For a six-year term to expire January 31, 1983:

Jack M. Fields
3022 Old Humble Road
Humble, Texas 77338

Mr. Fields will fill the unexpired term of Eliseo Sandoval of Edinburg, Hidalgo County, who resigned.

University System of South Texas

To the Board of Directors for a six-year term to expire August 31, 1985:

William M. Pena
1111 West Loop South
Houston, Texas 77027

Mr. Pena is replacing Ted True of Athens, Henderson County, whose term expired.

Texas Tourist Development Board

For six-year terms to expire August 23, 1985:

Dominic Joseph Bernardi, Jr.
One State National Plaza
El Paso, Texas 79901

Mr. Bernardi is replacing Edward N. Wishcamper of Abilene, Taylor County, whose term has expired.

William E. Ochse
P. O. Box 6725
San Antonio, Texas 78209

Mr. Ochse is replacing Robert H. Burck of Dallas, Dallas County, whose term has expired.

Susan Sanford Richardson
Post Office Box 7411
Amarillo, Texas 79109

Ms. Richardson is replacing George F. Dillman of Richardson, Dallas County, whose term has expired.

Texas Youth Council

For six-year terms to expire August 31, 1985:

George Willeford, M.D.
720 West 34th Street
Austin, Texas 78705

Dr. Willeford is replacing Mrs. Robert M. Ayres, Jr., of San Antonio, Bexar County, whose term expires.

John L. White
3451 Wichita
Houston, Texas 77004

Mr. White is replacing Howard J. Middleton, Jr., of Houston, Harris County, whose term will expire.

Issued in Austin, Texas, on September 5, 1979.

Doc. No. 796000- Williams P. Clements, Jr.
796003 Governor of Texas

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

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

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

Requests for Opinions

Summary of Request for Opinion RQ-154

Request from Carl S. Smith, chairman, Board of Tax Assessor Examiners, Austin.

Summary of Request:

(1) Are the assessors and their staff required to register with the Tax Assessor Examiners Board after January 1, 1982, at which time the appraisal district becomes fully implemented?

(2) Are the assessors and their staff required to register with the Tax Assessor Examiners Board for the years 1980 and 1981 since the district will not be in full operation until January 1, 1982?

(3) If the assessor and his staff have the right to challenge values set by the appraisal district, are they required to register with the board as a result of this right of challenge?

Doc. No. 795928

Summary of Request for Opinion RQ-155

Request from Gibson D. (Gib) Lewis, Texas House of Representatives, Austin.

Summary of Request: What would the effect be of a charter amendment in the City of Fort Worth which, if passed in November, would require a maximum tax rate for the fiscal year 1979-80, when the budget for that year would have been adopted and in effect in October and would require a tax rate higher than that permitted in the charter amendment?

Doc. No. 795929

Summary of Request for Opinion RQ-156

Request from Bob Davis, chairman, House Committee on Ways and Means, Austin.

Summary of Request: Is a 10% limitation on individual property tax increases constitutional under Article VIII, Section 1, of the Texas Constitution?

Doc. No. 795930

Summary of Request for Opinion RQ-157

Request from George W. Strake, Jr., secretary of state, Austin.

Summary of Request:

(1) Can the secretary of state approve articles of incorporation pursuant to the Texas Professional Corporation Act that have as a purpose the authority to act as a local recording agent under the Texas Insurance Code?

(2) Can the secretary of state approve articles of incorporation pursuant to the Texas Professional Corporation Act that have as a purpose the authority to act as a life insurance agent under the Texas Insurance Code?

(3) Should a corporation having as a purpose the authority to act as a physical therapist be incorporated under the Texas Professional Corporation Act or the Texas Business Corporation Act?

(4) If a corporation may be formed for a purpose authorized under the Texas Business Corporation Act, is the formation of a corporation under the Texas Professional Corporation Act for that same purpose necessarily prohibited by the Texas Professional Corporation Act?

Doc. No. 795931

Summary of Request for Opinion RQ-158

Request from Dale Summa, county attorney, Stratford.

Summary of Request:

(1) Is a certificate of inspection required as a condition precedent to securing a registration and a license plate for a motor vehicle in Texas?

(2) Assuming that safety certificate of inspection is required as a condition precedent to securing a Texas registration and license plate for a motor vehicle, will a valid and unexpired inspection certificate from a sister state which was obtained while the owner of the vehicle resided in the jurisdiction comply?

Doc. No. 795932

Summary of Request for Opinion RQ-159

Request from Knute L. Dietze, criminal district attorney, Victoria.

Summary of Request: Does Victoria County have the legal authority to construct, own, maintain, and operate a sewage treatment plant in a private subdivision to be used by the residents of the subdivision, when the users of the facilities are not residing on county property?

Doc. No. 795933

Summary of Request for Opinion RQ-160

Request from Bill Clayton, speaker, Texas House of Representatives, Austin.

Summary of Request: Under Senate Bill 621, Section 6.03(i), may the governing bodies of three-fourths of the tax-

ing units change both the number of members of the board of directors and the method of selecting those members, or are they limited to making one change only?

Doc. No. 795985

Summary of Request for Opinion RQ-161

Request from Ben Z. Grant, chairman, Judiciary Committee, Texas House of Representatives, Austin.

Summary of Request: When a person, after having been convicted of a felony and placed on probation, completes his term of probation, and the court sets aside the verdict under Section 7, Article 42.12, Code of Criminal Procedure, is such a person still considered a convicted felon under Section 8A(a) of Article 4413(29aa)? Is his conviction considered a "final conviction" under Section 8A(b)? When a person, after having been convicted of a felony and is placed on probation, completes his term of probation, requests a new trial, and has the charges dismissed, is such a person still considered a "convicted felon" under the law?

Doc. No. 795986

Summary of Request for Opinion RQ-162

Request from Billy Fred Lacy, county auditor, Potter County.

Summary of Request: May Potter County pay an expert witness fee for two attorneys who testified in a criminal trial?

Doc. No. 795987

Summary of Request for Opinion RQ-163

Request from Dan Pleitz, Naman, Howell, Smith, Lee and Muldrow, attorneys for the Texas Municipal Power Agency, Waco.

Summary of Request: Are construction contract bids exempted from public disclosure under the Texas Open Records Act after the successful bid has been awarded?

Doc. No. 795988

Summary of Request for Opinion RQ-164

Request from Gerald A. Jackson, general manager, Texas Deepwater Port Authority, Houston.

Summary of Request:

(1) Is the authority a bonafide agency of the State of Texas, authorized and qualified to accept the requirements of the Act, and able to fulfill and perform the agreements and obligations under the license and contemplated thereby?

(2) If the agreement to comply (which is attached to the license at page A-21) has been duly authorized, executed, and delivered by the authority, will that agreement be a legal, valid and binding instrument, and will the license be enforceable against the authority in accordance with the terms of the license?

Doc. No. 795989

Summary of Request for Opinion RQ-165

Request from George M. Cowden, Public Utility Commission of Texas, Austin.

Summary of Request: May tuition for a CPA review course be paid under the State Employees Training Act?

Doc. No. 795990

Opinions

Summary of Opinion MW-52

Request from Joe Resweber, county attorney, Harris County, concerning incarceration of municipal prisoners in the Harris County jail.

Summary of Opinion: A sheriff has no duty to incarcerate a person in county jail when the person is arrested for violating only a municipal ordinance, absent an interlocal agreement for such use of the county jail. If, without a court order or statutory directive, the sheriff releases a prisoner to another police agency, he remains responsible for the prisoner.

Doc. No. 795934

Summary of Opinion MW-53

Request from Andy Shuval, executive director, Texas Prosecutors Coordinating Council, Austin, concerning the length of the terms of office of members of the Texas Prosecutors Coordinating Council.

Summary of Opinion: Members of the Texas Prosecutors Coordinating Council serve terms of two years.

Doc. No. 795935

Summary of Opinion MW-54

Request from Wilson Speir, Texas Department of Public Safety, Austin, concerning whether Article 6687b, Section 21(b), Vernon's Texas Civil Statutes, requires the Department of Public Safety to include information on traffic accidents in the records of nonpaid law enforcement personnel or fire fighters.

Summary of Opinion: Volunteer and part-time fire fighters, as well as reserve or part-time peace officers and nonpaid deputies, are included within the scope of Section 21(b) of Article 6687b, Vernon's Texas Civil Statutes.

Doc. No. 795957

Summary of Opinion MW-55

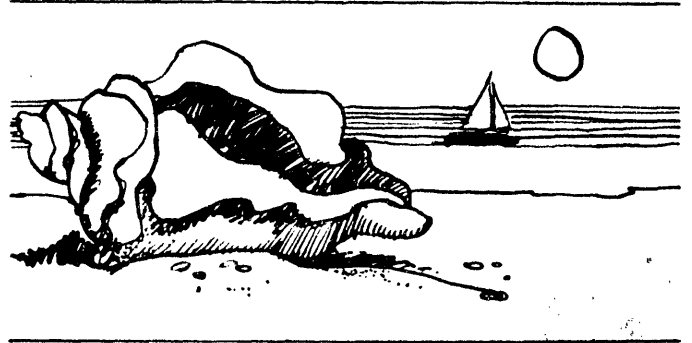
Request from John J. Kavanagh, M.D., commissioner, Texas Department of Mental Health and Mental Retardation, Austin, concerning authority of Department of Mental Health and Mental Retardation to pay community centers for start-up costs prior to receiving services.

Summary of Opinion: The Texas Department of Mental Health and Mental Retardation may contract with community centers to provide community-based residential services. The department may pay the community centers their start-up costs incurred prior to providing such services to clients.

Issued in Austin, Texas, on September 11, 1979.

Doc. No. 796031 C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

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



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

Numbering System—Each rule is designated by a unique 10-digit number which is divided into four units by decimal points. The first unit (three digits) indicates the agency which promulgates the rule. The second unit (two digits) indicates the chapter of rules to which the rule belongs. The third unit (two digits) indicates the subchapter of rules, if any, within the chapter. The fourth unit (three digits) indicates the individual rule.

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

State Board of Insurance

Rating and Policy Forms

Fixing Rate of Automobile Insurance 059.05.01

The State Board of Insurance has amended, effective November 1, 1979, on an emergency basis, Rule 059.05.01.001, which adopted by reference the Rules and Rates Governing the Insuring of Automobiles and Standard Endorsements. The amendment is attached and incorporated herein by reference.

On August 1, 1979, the board held a public meeting during which testimony, data, opinions, and comments were received from members of the public, the Texas Automobile Insurance Service Office, and others relating to some form of encouragement in the form of reduced automobile insurance premiums to promote increased use of carpools, share-expense arrangements, and alternate mass transit. The board after thorough consideration of all of the testimony received

during the August 1, 1979, meeting has decided that two new private passenger automobile rate classifications should be established to allow certain individuals who reduce the use of their automobiles through carpooling, share-expense arrangements, or utilization of mass transit to have lower insurance premiums than certain individuals who drive their automobiles to and from work on a regular full time basis. In addition to the establishment of the two new private passenger automobile rate classifications 1C and 6C, the amendments adopted also include editorial changes in certain sections of Rules 38 and 39 of the Texas Automobile Manual to implement the new classifications.

The board is of the opinion that adoption of this rule amendment on an emergency basis is necessary to encourage increased use of carpools, share-expense arrangements, or use of alternate mass transit and to recognize through some reduction in automobile insurance premiums those individuals presently reducing the use of their automobiles through use of such arrangements.

This amendment is adopted under the authority of Article 5.01 of the Texas Insurance Code.

.001. Rules and Rates Governing the Insuring of Automobiles and Standard Endorsements. The State Board of Insurance adopts by reference the attached Rules and Rates Governing the Insuring of Automobiles and Standard Endorsements as amended in *November* |August| 1979. This document is published by and available from the Texas Automobile Insurance Service Office, Suite 350, American Bank Tower, 221 West Sixth Street, Austin, Texas 78701, and State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

Issued in Austin, Texas, on September 7, 1979.

Doc. No. 796025 Pat Wagner
Chief Clerk
State Board of Insurance

Effective Date: November 1, 1979

Expiration Date: February 29, 1980

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

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.

An agency, on request, shall provide a statement of the reasons for and against adoption of a rule. Any interested person may request this statement before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling considerations urged against the agency's decision.

Numbering System—Each rule is designated by a unique 10-digit number which is divided into four units by decimal points. The first unit (three digits) indicates the agency which promulgates the rule. The second unit (two digits) indicates the chapter of rules to which the rule belongs. The third unit (two digits) indicates the subchapter of rules, if any, within the chapter. The fourth unit (three digits) indicates the individual rule.

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

Texas Commission for the Deaf

Practice and Procedure

Operations 332.01.01

(Editor's note. With the passage of Senate Bill 1157, 66th Legislature, Regular Session, and effective September 1, 1979, the State Commission for the Deaf was redesignated as the Texas Commission for the Deaf. The commission recently proposed new rules for operations, Rules 332.01.01.011-.017. The texts of these rules were published in the July 20, 1979, issue (4 TexReg 2540), and will therefore not be published again in this issue. The proposed date of adoption is 30 days from the date of this issue.)

The Texas Commission for the Deaf proposes to adopt Rules 332.01.01.011-.017, concerning rules and regulations for operations.

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

Public comment on the proposed adoption of Rules 011-.017 is invited. Comments may be submitted in writing to Ralph White, chairman, Texas Commission for the Deaf, within 30 days of publication in the *Texas Register*.

These rules are proposed under the authority of Senate Bill 1157, 66th Legislative Session, and signed by the governor on June 13, 1979.

Issued in Austin, Texas, on September 7, 1979.

Doc No 795950 Michael L. Moore, Ph D
Executive Director
Texas Commission for the Deaf

Proposed Date of Adoption: October 19, 1979
For further information, please call (512) 475-2492.

Texas Department of Human Resources

Early and Periodic Screening, Diagnosis, and Treatment

Dental Program Benefits 326.39.44

The Department of Human Resources proposes to amend Rules 326.39.44.005-.007 about dental program benefits in its Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) rules. Because of a reduction in funds available for EPSDT dental services for fiscal years 1980-81, recent changes were made in allowable procedures. Therefore, under the dental program benefits rule subchapter, the rules relating to the scope of EPSDT dental services (emergency, preventive, and therapeutic services) must be amended to reflect those changes.

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

Written comments are invited and may be sent to Susan L. Johnson, assistant chief, Systems and Procedures Bureau - 416, Department of Human Resources, John H. Reagan Building, Austin, Texas 78701, within 30 days of publication in this *Register*.

The following amendments are proposed under the authority of the Human Resources Code, Chapter 32.

.005. Emergency Services. Emergency dental care services are those necessary to control bleeding, relieve pain, eliminate acute infection; operative procedures which are required to prevent pulpal death and the imminent loss of teeth; treatment of injuries to the teeth or supporting structures (e.g., bone or [soft] tissues contiguous to the teeth); and palliative therapy for periocoronitis associated with impacted teeth. Routine restorative procedures [and root canal therapy] are not considered emergency procedures based on the definition of emergency services approved by the Council on Dental Health of the American Dental Association.

.006. Preventive Services. Preventive dental services include [:

[(a) Instruction in self-care oral hygiene procedures (provided individually or in groups).

(b)] Oral prophylaxis (cleaning teeth) [, necessary as a precursor to the application of dental caries preventives in areas where such applications are indicated (provided in groups or individually), or oral prophylaxis independent of the application of caries preventives for patients 10 years of age or older].

.007. Therapeutic Services. Therapeutic dental services include *but are not limited to:*

(a) [Pulp therapy for permanent and primary teeth.

(b)] Restoration of carious (decayed) permanent and primary teeth with silver amalgam, silicate cement, composite materials and stainless steel crowns.

(c) Scaling.

(d) Maintenance of space.]

(b)](e)] *limited provision of removable prostheses when masticatory function is impaired, [or] when existing prosthesis is unserviceable, or in instances when esthetic*

considerations interfere with employment or social development.

Doc. No. 795953

Dental Provider Claims 326.39.48

The Department of Human Resources proposes to amend Rule 326.39.48.014 about reimbursement of dental provider claims in its Early and Periodic Screening, Diagnosis and Treatment (EPSDT) rules. Because of a reduction in funds available for EPSDT dental services for fiscal years 1980-81, recent changes were made in allowable procedures. Therefore, in order to provide for better budget control, Rule .014 is being amended to show a three-month limitation for completion of invoice treatment plans for submission for payment.

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

Written comments are invited and may be sent to Susan L. Johnson, assistant chief, Systems and Procedures Bureau—416, Department of Human Resources, John H. Reagan Building, Austin, Texas 78701, within 30 days of publication in this *Register*.

The following amendments are proposed under the authority of the Human Resources Code, Chapter 32.

.014. Reimbursement.

(a) The EPSDT Dental Program enforces a *three-month* [six-month] limitation for completion of invoice treatment plans for submission for payment.

(b) The *three-month* [six-month] limitation is applied from the *last* [first] day of the month in which the invoice is authorized. For example: If an invoice treatment plan were encumbered during the month of *October 1979* [November 1977], it must be received by Title XIX for payment on or before *January 31, 1980* [April 30, 1978].

(c) Each invoice treatment plan will show a date to indicate the expiration date for payment. This will appear in the *upper left corner* [lower right third] of the invoice claim.

(d)-(e) (No change)

Issued in Austin, Texas, on September 7, 1979.

Doc No 795954 Jerome Chapman
Commissioner
Texas Department of Human Resources

Proposed Date of Adoption: October 19, 1979
For further information please call (512) 475-4601

Day Care Licensing

(Editor's note: Lengthy new rules, amendments, and repeals recently proposed by the Texas Department of Human Resources in its chapters of rules entitled Day Care Licensing, 24-Hour Care Licensing, and General Licensing Procedure are being published serially beginning in the September 11 issue. The Proposed Rules section of the September 7 issue (4 TexReg 3178) listed the subchapter titles and rule numbers within each of the above chapters affected by this action. The proposed date of adoption for the serialized proposals is November 5, 1979. The subchapters

and rules indicated below in the department's rule chapter entitled Day Care Licensing appear in this issue.)

Standards of Day Care Centers

326.90.05 001- 034, .036

Standards for Registered Family Homes

326.90 06.001- 004

Standards for Group Day Care Homes

326.90.07.001-.011, .013-.026, .028-.031, .033

Support Documents

326.90.99 600

The Texas Department of Human Resources proposes to amend, repeal, and add to its rules derived from standards for the following 24 hour and day care facilities

institutions providing basic child care
institutions serving mentally retarded children
residential treatment centers
therapeutic camps
emergency shelters
halfway houses
foster group homes
foster family homes
day care centers
kindergartens and nursery schools
grades kindergarten and above
group day care homes
registered family homes
child placing agencies (day care only)
family day homes

The Child Care Licensing Act of 1975 requires the department to periodically review standards. An attempt has been made to reduce standards by deleting unnecessary requirements, duplications, and informational narrative which has been determined to be of little or no value. Rules have been rewritten and reorganized for clarity and all of the requirements of records and reports in existing rules have been integrated into the appropriate program sections.

The only substantive changes being proposed, which could be viewed as more stringent, are those rules which relate to character investigation of employees. The department has received recommendations from a number of providers, advisory groups, and interested individuals pointing out the need for more carefully screening the background of individuals entering into the field of child care. The proposed changes include a prohibition of employment for any staff member working with children who has been convicted within the preceding 10 years of any (1) felony, (2) misdemeanor classified as an offense against the person, or (3) violation of any law enacted to protect children. Additional rules will be published subsequently by the department to outline methodology for showing proof of rehabilitation and will serve as a basis for requesting a variance to the proposed standard prohibiting employment if proof of rehabilitation can be shown. The proposed changes also require the reassignment or removal from direct child care activities of any employee against whom an indictment or official complaint alleging commission of (1) a felony, or (2) complaint of a misdemeanor classified as an offense against the person, or (3) violation of any law enacted to protect children is returned. Such reassignment or removal shall remain in effect pending resolution of the charges.

The department has determined that these proposed changes represent a reduction of requirements and will therefore have no fiscal implications for the state or local units of government.

The following is a list of the public meetings which have been scheduled for discussion of these rule changes.

Date	Location	Time
September 25	Holiday Inn Market Square 318 West Durango San Antonio	1 and 7 p.m.
September 26	Corpus Christi State School Pavilion Meeting Room 902 Airport Road Corpus Christi	1 and 7 p.m.
September 27	Hilton Hotel Houston Room 2721 South 10th Street McAllen	1 and 7 p.m.
October 2	Moody Center Room 211 (A B C) Hardin Simmons University 2200 Hickory Street Abilene	1 and 7 p.m.
October 3	Garden and Arts Center 4215 University Lubbock	1 and 7 p.m.
October 4	Midtown Holiday Inn Gateway East at Ranel El Paso	1 and 7 p.m.
October 9	Ramada Inn 700 Lamar Blvd East Arlington	1 and 7 p.m.
October 10	Holiday Inn Interstate 20 and Estes Parkway Box 7758 Longview	1 p.m.
October 11	First United Methodist Church 805 East Dennon Lufkin	1:30 and 7 p.m.
October 15	Downtown Civic Center Beaumont	1:30 and 7 p.m.
October 16	2913 Louisiana Houston	9 a.m. and 1:30 p.m.

A public hearing has been scheduled on September 24, 1979, at 9 a.m., Department of Human Resources, Room 406, John H. Reagan Building, Austin. Written comments are also invited and may be sent to Susan L. Johnson, assistant chief, Systems and Procedures Bureau—250, Department of Human Resources, John H. Reagan Building, Austin, Texas 78701, within 60 days of publication in this *Register*.

Day Care Centers 326.90.05.001-.003, .005-.028, .030-.034

These rule changes are proposed under the authority of the Human Resources Code, Chapter 42.

.001. Organization

(a) Day care centers shall have a governing body that is responsible for and has authority over the center's policies and for operating the day care center in compliance with "Minimum Standards for Day Care Centers" and the *Child Care Licensing Act*. [activities. One of the following constitutes compliance:

(1) If a day care center is individually owned (sole proprietorship), the individual owner constitutes the governing body.

(2) If a day care center is owned by a partnership, the partners constitute the governing body.

(3) If a day care center is owned by a corporation, the corporation shall designate a governing body with responsibility for policy making and implementation.

(4) If a day care center is owned by a church, the governing body shall be specified according to church policy.

(5) In the case of state or other nonincorporated governmental body, the governing body shall be specified.]

(b) [The governing body shall be responsible for establishing the day care program in compliance with the "Minimum Standards for Day Care Centers."

(1) The governing body shall submit to the State Department of Public Welfare the following completed, official documents provided by the department.

(A) An application for each day care center.

(B) A separate plan of operation for each facility licensed for the first time. A copy of the plan shall be on file at the facility.

(2) Corporations operating day care centers [with a corporate governing body] shall make available the following to the department for review.

(1)(A) the articles of incorporation, or

(2)(B) the certificate of incorporation, or

(3)(C) a copy of the certificate of authority in the case of an out-of-state corporation.

(c)(3) Unincorporated churches operating day care centers shall make available to the department documentation that establishes the church as a contracting body.

(c) The governing body shall be responsible for the operation of the day care program in compliance with the "Minimum Standards for Day Care Centers."

(d) Corporations and churches shall make available to the department a copy of the resolution authorizing the operation of the facility. [The governing body of a day care center shall ensure the formulation of policies. Policies shall include at a minimum a description of the activities provided and enrollment policy.]

(e) The governing body of the day care center shall notify the department of any occurrence which affects the status of the day care license. [When known, this shall be done in advance.] The department shall be notified of:

(1) changes in the governing body or ownership.

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

(6) reductions or additions to [change in] indoor or outdoor space;

(7) change in [day care center] hours of operation.

(8) change in ownership of the corporation.]

(f) The governing body shall designate a director on an official DHR form submitted to [furnished by] the department. If the owner and the director are the same person, this shall be specified.

(1) The form shall be submitted to the department.

(2) It shall be dated and signed by the governing body and shall state the name of the director.

(3) The responsibilities of the director shall be written and shall include responsibility for ensuring that licensing standards are met and maintained in the day-to-day operation of the day care center.]

.002. General Administration.

- (a) (No change.)
- (b) A *complete* copy of the *department's* [state licensing law (Texas Revised Civil Statutes Annotated, Article 695a-3) and a copy of the department] "Minimum Standards for Day Care Centers" shall be available for review by staff, parents, and others upon request.
- (c) [Information documenting compliance with the minimum standards shall be available for inspection by the department during hours of operation. Various documents may be combined.]
- (d) [The department shall be notified *immediately* of any serious occurrences that affect the day care operation.] The department shall be notified by telephone and later in writing of serious occurrences [such as:
- (1) Death of a child while *in the care of* [at] the day care center.
 - (2) Fire[, accident, injury, or serious communicable disease].
 - (3) *Serious accident, serious injury, or serious communicable disease.*
 - (4) *Suspected child abuse or neglect (as required by the Texas Family Code).*
 - (5) *Any employee or other person against whom is returned an indictment alleging commission of any felony; or an indictment or official criminal complaint alleging commission of a misdemeanor classified as an offense against the person; or an indictment or official complaint alleging violation of any law enacted to protect children shall be reassigned or removed from direct child care activities and from any contact with the children. Such reassignment or removal shall remain in effect pending resolution of the charges. Notification of such action shall be made to the licensing branch within 24 hours or the next working day.*
- (e) The day care director shall notify the department or local law enforcement officials by telephone when it appears a child has been abused or is being neglected.]

.003. Enrollment.

- (a) *The center shall not practice racial discrimination.* [The director of a day care center shall inform parents about the center's program before enrollment.]
- (1) The information shall outline the center's services, goals, and activities. The program statement shall include:
- [(A) the age range of children in care,
 - [(B) the maximum number of children in care,
 - [(C) activities provided,
 - [(D) meal service and snacks,
 - [(E) hours of operation,
 - [(F) fees, rebates, and overtime charges,
 - [(G) vacations and holidays,
 - [(H) special needs served, if any,
 - [(I) transportation, if any,
 - [(J) rules related to personal belongings,
 - [(K) statement that the center does not practice racial discrimination.
- (2) The center's program statement shall be available at the center.]
- (b) *Parents shall be informed about the center's activities and policies before their child is enrolled.*

(c)(b) *An enrollment agreement* [information] shall be obtained for each child prior to admission and filed at the day care center.

(1) *The* [An] agreement signed by the parents and director shall contain:

(1)(A) Child's name, birth date, home address, and home telephone number.

(2)(B) Name and address of parents and telephone numbers at which parents can be reached while the child is in care.

(3)(C) A statement that when a child is brought to the center the child will be left with a staff member and released only to the parents or a person named by the parents. *School age children who leave the center to go to classes and clubs shall have written permission from their parents. Parents shall specify the activity, time, and method of transportation.*

(4)(D) The [Hours the child shall be in care (*not to exceed 12 hours except in an emergency*).

(5)(E) The [Name, address, and telephone number of the child's physician.

(6)(F) Emergency medical authorization.

(7)(G) Transportation permission, if any.

(8)(H) Permission for participation in water activities, if any.

(9)(I) Special problems or needs of a child as indicated by the parents, including allergies and *a statement that the special problems or occurrences in the day care center affecting the child will be brought to the attention of the parents. This includes serious communicable diseases* [sunburn sensitivities].

(10)(J) A statement providing for parent conferences.

(K) A statement that special problems or occurrences affecting a child will be brought to the attention of the parents. This includes serious communicable diseases in a day care center.]

(2) Immunization records and tuberculosis (TB) test with follow up as required by state statute and the Texas Department of Health Resources (Rule .019(b) and (d)).

(3) Evaluation of the child's health as required in Rule .019(a).

(4) Report from a consultant regarding the admission of any child needing special care.]

.005. Records.

(a) A record shall be maintained for each child that includes brief statements of [significant occurrences in] the child's progress.

(b) Statistical records of daily attendance of children and staff shall be kept *for the previous* [at least] three months.

(c) [When required by the department, the facility shall participate in statistical samplings in order for the department to obtain information for planning and administering the licensing program.]

(d) The facility shall maintain complete financial records. The department will check these records only on written notice from the department's director of licensing.

(d) *All records requested to be maintained and on file by the standards shall be available for inspection by the department during hours of operation.*

.006. Director Qualifications.

(a) The director of a day care center shall be at least 18 years old, have a high school diploma or its equivalent, and one year of experience in family day care, group care, teaching, administration, or management; or a bachelor's degree from an accredited college or university; or a child development associate credential, or an associate of arts degree in child development or a closely related area.

(1) Proof of meeting the *qualifications* (education requirement) shall be available to the department.

(2) *The above requirements do not apply to persons who were directors of day care centers on June 29, 1976.* (The experience requirements shall be documented by one or more references who have knowledge of the director's experience. These references may be the same as those required in Rule .006(b).)

(3) These requirements do not apply to persons who are directors of day care centers when these standards become effective.

(b) *No one may serve as the director of a day care center who has been convicted within the preceding 10 years of a felony or of any misdemeanor classified as an offense against the person, or of violation of any law enacted to protect children.*

(c)(b) The director shall submit a record of training and experience, *information as to felony and/or misdemeanor convictions within the previous 10 years*, and a list of references to the department on an official department form.

(1) The director shall provide the department with information concerning past employment, education, and experience in working with young children.

(2) The director shall provide the department the names, addresses, and telephone numbers of three references who can attest to the director's (character and) suitability for directing a day care center. The references shall be adults not related to the director, the governing body, or one another.

(3) The director shall give the department written permission to verify the sources specified in (1) and (2) above.

(4) These requirements do not apply to persons who are directors of day care centers when these standards become effective.

.007. Director Responsibilities.

(a) A director shall be (at the site and) responsible for *administering* the day care center's day-to-day operation *in compliance with minimum standards. In the director's absence from the center, a staff member shall be designated the responsibility of administering the facility.*

(b) (A center shall not be left without a responsible adult designated to administer the facility.)

(c) The director shall provide the staff's *assignments* (job descriptions), and *be responsible for staff management* (see that they are followed).

(c)(d) The director shall be responsible for maintaining personnel records. Personnel records shall include:

(1) Three references attesting to the employee's character and suitability for the job. References shall be unrelated to *the employee* (one another, the applicant, or anyone connected with the center). This does not apply to persons employed by the facility prior to *June 29, 1976* (adoption of these standards). References shall include:

(A)-(B) (No change.)

(2) *A statement from the employee providing information concerning whether there have been any felony and/or misdemeanor convictions within the preceding 10 years.*

(3)(2) Prior to employment, each staff member, including volunteers who are counted in the staff-child ratio, shall obtain a report of the skin test for tuberculosis *according to the recommendations of the Texas Department of Health or local health authorities. TB test records shall be updated according to recommendations of the Texas Department of Health or local health authorities.* (with follow-up or negative chest x ray. This shall have been obtained within the previous six months. Tuberculosis (TB) test records shall be updated annually. Household members older than 14 who are at the center also shall obtain this information. Household members under 14 years old shall meet the same requirements as the children in care.)

(4)(3) Every *person* (staff member, employee, or volunteer) who regularly prepares or serves food in the center shall have a health certificate signed by a licensed physician. The health certificate shall have been obtained and dated within the previous 12 months. It shall be renewed yearly. (A health certificate is a health card signed by a licensed physician; a food handler's card signed by a licensed physician; or a statement signed by a licensed physician that the person is in good health.)

(e) The director shall be responsible for staff management.)

.008. Staff Qualifications.

(a) Staff who work directly with children and who are counted in the staff-child ratio shall be 18 years old or older *except as stated below in (1) or (2)* and be able to read and write.

(1) Persons under 18 years old who have a high school diploma may be counted in the staff-child ratio.

(2) Students under 18 years old who are enrolled in career programs approved by the Texas Education Agency or other state or federally approved programs, or who are on summer vacation from career programs, may be given responsibility for children and counted in the staff-child ratio.

(3) A person 14 through 17 years old may work under the direct supervision of a *qualified staff person* (direct care giver) but cannot be counted in the staff-child ratio.

(b) Staff members shall be mentally, physically, and emotionally able to perform assigned duties.

(c)(1) When children are present, no one shall be at the center who has been convicted of a crime of immoral conduct or convicted of violating laws enacted to protect children.

(d)(2) Assignment of persons shall be determined by their competency. Consideration shall be given to the judgment and self control required by the tasks.

(c) Staff shall show competency in working with children.

(1) Every employee shall relate to the children with courtesy, respect, and patience.

(2) Employees who have responsibility for children shall provide a variety of learning experiences, including the exercise of authority in setting limits, giving guidance, and intervention.

(d) Persons who endanger the health and well being of the children shall not be allowed in the day care center.)

(e) *No one may serve in any capacity where there is contact with children who has been convicted within the preceding 10 years of any felony or of any misdemeanor classified as an offense against the person or of violations of any law enacted to protect children.*

(f) *Every employee shall relate to the children with courtesy, respect, acceptance, and patience.*

(g)(1) Staff, volunteers, visitors, or parents| *Persons with symptoms of communicable disease, or whose behavior*

appears to endanger children shall not be allowed at the facility [in the center].

(h)(2)| *Smoking shall not be permitted where children are present.*

.009. *Staff-Child Ratio.*

(a) *In day care centers, the number of children [super-vised by one child care staff member] shall not exceed the following [ratios]:*

AGES OF CHILDREN IN GROUP	INFANTS AND TODDLERS MAXIMUM NUMBER OF CHILDREN	NUMBER OF STAFF
0-23 mo.	5	1
0-23 mo.	12	2
12-35 mo.	6	1
12-35 mo.	14	2

Children younger than the age of 12 months may not be grouped with children older than 23 months. Children ages 12 months through 17 months may be grouped with

children younger than 12 months or with children through ages 35 months. Children age 18 months and older may be grouped according to the following chart.

PRE-SCHOOL AND SCHOOL AGE CHILDREN

AGE OF YOUNGEST CHILD IN GROUP	NUMBER OF CHILDREN OF YOUNGEST AGE	MAXIMUM NUMBER OF CHILDREN TO BE SUPER- VISED BY ONE STAFF PER- SON
18 MO.	IF THERE ARE NO MORE THAN 3 CHILD- REN UNDER 2 YEARS.	10
18 MO.	IF THERE ARE 4 OR MORE CHILDREN UNDER 2 YEARS OF AGE	9
2 YRS.	IF THERE ARE NO MORE THAN 4-TWO YEAR OLDS.	13
2 YRS.	IF THERE ARE 5 OR MORE TWO YEAR OLDS.	11
3 YRS.	IF THERE ARE NO MORE THAN 6-THREE YEAR OLDS.	17
3 YRS.	IF THERE ARE 7 OR MORE THREE YEAR OLDS.	15

4 YRS.	IF THERE ARE NO MORE THAN 10-FOUR YEAR OLDS.	20
4 YRS.	IF THERE ARE 11 OR MORE FOUR YEAR OLDS.	18
5 YRS.	IF THERE ARE NO MORE THAN 12-FIVE YEAR OLDS.	24
5 YRS.	IF THERE ARE 13 OR MORE FIVE YEAR OLDS.	22
6 YRS.-13 YRS.	—	26

[CHART I

[Straight-Age Grouping (Basic Staff-Child Ratio)	Number of Staff	Number of Children	Ages of Children
			Infants
	1	5	0-11 mo.
	2	12	0-11 mo.
	1	6	12-17 mo.
	2	14	12-17 mo.
			Pre-school
	1	9	18-23 mo.
	1	11	2+
	1	15	3+
	1	18	4+
			School Age
	1	22	5+
	1	26	6+

[CHART II

[Multi-Age Grouping	Number of Staff	Number of Children	Ages of Children
[NOTE: Children younger than the ages of 18 mos. may not be grouped with older children. No more than three under two years	1	5	0-11 mo.
	2	12	0-11 mo.
	1	6	12-17 mo.
	2	14	12-17 mo.
No more than four under three years	1	10	18 months plus
	1	13	2+

No more than six under four years	1	17	3+
No more than 10 under five years	1	20	4+
No more than 12 under six years	1	24	5+]

[In multiage grouping, when there are more children of the youngest age in the group than shown in Chart II, the staff-child ratio shall conform to the age of the youngest child as outlined in Chart I, Straight-Age Grouping.

(1) A group is a specific number of children, not to exceed the staff-child ratio, assigned to one staff member. Each child in a group shall have in common with every other child in his or her group:

- (A) the same staff member who is responsible for the child's well-being and for meeting his or her basic needs;
- (B) the same home base or classroom.

(2) A day care center may use straight-age grouping, multiage grouping, or mixed-age grouping based on the age of the youngest child in the group or combination of groups.

(3) Each group shall have a separate indoor home base.

(b)(4) Up to 35 children may be in regular classroom activities as long as the staff-child ratio is maintained.

(c) *More than 35 children 18 months old or older may be combined for joint activities of limited duration, usually not to exceed 30 minutes, as long as the staff-child ratio is maintained.*

(5) Combining groups of children shall be permitted for joint activities of limited duration, usually not to exceed 30 minutes, as long as the staff-child ratio is maintained.

(d)(6) In determining the staff-child ratio, the following shall apply:

(1)(A) Persons over 14 years old shall not be included in the child count except those in programs for the mentally retarded whose developmental age is 14 or less.

(2)(B) *The developmental or emotional age of mentally retarded or emotionally disturbed children, as determined by a qualified consultant, shall be used to determine the staff-child ratio, not their chronological ages.* [The director, assistant director, or a service worker shall be counted as child care staff only when he or she gives full attention to the care and supervision of the children.]

(3)(C) *All persons working with children shall be free from other duties except those directly involving the care and supervision of children. Staff members supervising the children shall be responsible for duties of the classroom in direct relation to the physical needs of the group. These responsibilities shall include keeping the group's area clean but shall not include meal preparation or janitorial duties.* [While maintaining staff-child ratio, staff shall not be assigned food preparation or janitorial duties.]

(4)(D) Staff ratios as stated in (a) above shall be maintained except during:

- (A)(i) Nap times when children may be under the supervision of 50% of the staff-child ratio, if 75% of staff-child ratio is maintained in the building. For infants, the full staff-child ratio shall be maintained at nap time.
- (B)(ii) Evening care. [(See Rule .031.)]

(C)(iii) Transportation. [(See Rule .033.)]

(D)(iv) Water activities. [(See Rule .032.)]

(E)(v) For 45 minutes after opening and 45 minutes before closing, the center may regroup children *older than 18 months* [old and older] without reference to age. The staff-child ratio for regrouped children shall be one staff member to 22 children.

(vi) Staff members working with children shall be free from other duties except those directly involving the care and supervision of children. Staff members supervising the children shall be responsible for duties of the classroom in direct relation to the physical needs of the group. These responsibilities shall include ensuring a healthy environment by keeping the group's room or area clean.

(vii) Substitutes shall meet the same requirements as regular staff.

(viii) No staff member shall work longer than 12 hours in any 24-hour period except in an emergency.

(5)(b) Each child shall have an adult staff member who is interested in him or her and who is aware of *details about the child's habits, interest, and any special problems* [and able to meet the child's needs].

(1) This staff member shall know details about the child, such as his or her birthday, special interests, habits, relation to others, or physical or emotional problems. He or she shall be responsible for planning for the child's progress, and communicating with other staff and with the child's parents regularly. This communication may be done by the director, if appropriate.

(2) In programs with infant care, one individual shall be responsible for the care and supervision of a specific group of infants.

(3) If children are supervised on a shift basis, responsibility for care and supervision of a specific group of infants shall be designated to not more than two individuals. If two individuals are designated, provision shall be made to ensure consistency and stability of the relationship.

(6)(c) Children shall be supervised and shall not be out of control.

.010. Training.

(a) Training and orientation in understanding children and improving job performance shall be required of staff. *Documentation of training and orientation shall be on file at the facility.*

(1) (No change.)

(2) *Before beginning work, staff shall be informed of center policies including discipline.* [On beginning work, all new staff shall be instructed about the following:

- (A) Facility agreements with parents relating to child care.
- (B) How to tell if a child is sick.
- (C) Fire prevention and evacuation.
- (D) Discipline policy and practice.

[(E) Reporting observations or sharing of information concerning a specific child, the child's reaction to the group, and the group's reaction to the child.]

[(F) Symptoms of child abuse or neglect and how to report it. (The leaflet, "Children in Danger," is available from the department.)]

(b) *Before beginning work, each staff member shall be instructed on symptoms of child abuse or neglect and staff's responsibility for reporting these.*

(c)(b) Each staff member, including the director, shall participate in at least 12 clock hours of documented training in child care, child development, or early childhood education, *first aid training, fire safety, or fire evacuation* each year. Training may include, but is not limited to workshops, reading, formal training, first aid training, film strips, or time with consultants.

.011. Space.

(a) There shall be at least 30 square feet of indoor activity space for each child in the day care center *measured wall-to-wall on the inside, not including single use areas.*

[(1) Floor space of areas used for activity shall be measured wall-to-wall on the inside.]

[(2) Floor space shall not include single use areas and areas not routinely available to the children. Single use areas include but are not limited to bathrooms, hallways, storage rooms, kitchens, and indoor swimming pools.]

(b) The day care center shall have *at least 80 square feet of outdoor play area for each child using the area at one time. Outdoor play areas used by the children shall be accessible by a safe route and enclosed by a building or fence at least four feet high with at least two exits* [an outdoor play area available to the children].

[(1) The number of children in the play area shall not exceed the ratio of one child per 80 square feet of usable yard space.]

[(2) The staff-child ratio shall be maintained for groups of children in the play area.]

[(3) The play area shall be enclosed by a building or a fence at least four feet high and strong enough to keep children in and others out. At least two exits are required. These shall be at least four feet high and fastened.]

[(4) Fences and gates shall be free of sharp points.]

[(5) A play area within a larger fenced area, such as a school yard, may be used as long as the children's play is not interrupted by persons not in care.]

[(6) Infants shall have an outdoor area exclusively for their use.]

[(7) If the play area is not next to the center, it shall be reached by a safe route.]

.012. Furnishings.

(a) The day care center shall have a working telephone with a listed number. [A pay telephone does not comply; a listed church telephone number does comply.]

(b) *Infants who are not yet climbing shall have individual cribs with a waterproof mattress covered by a clean crib sheet. Mobile infants may sleep on a low cot or mat.* [Each child shall have his or her own comfortable, clean equipment for sleep or rest.]

[(1) Infants who are not yet climbing shall have individual cribs with a waterproof mattress covered by a crib sheet. Mobile infants may sleep on a low cot or mat.]

(c)(2) Preschool children shall have *clean* cots, beds, or mats at least one inch thick that are waterproof and

washable. Where mats are used, the floors must be warm, clean, *and* dry, and draft free.]

(d)(3) School age children shall have *clean* comfortable arrangements for rest [or naps] when in care more than seven hours.

(e)(c) Each child shall have storage available for [his or her wraps, extra clothes, and other] personal belongings.

(f)(d) Comfortable seats shall be available for the children.

.013. Equipment.

[(a) There shall be enough equipment for the number and ages of children in care to serve the physical and developmental needs of the children.]

[(1) Infants, newborn to 18 months old, shall have the following:

[(A) Mobiles suspended over cribs and colorful pictures on the walls of rooms where most of their indoor time is spent.]

[(B) Safe, soft washable toys.]

[(C) Music or other pleasant sounds to listen to.]

Toys or other materials small enough to be swallowed must be kept out of reach of younger children.

[(2) Children 18 months old and older shall materials for the following activities:

[(A) Blocks and block accessories.]

[(B) Dramatic play equipment, including home-making equipment, and dolls.]

[(C) Art supplies.]

[(D) Music equipment.]

[(E) Books.]

[(F) Manipulative materials.]

[(G) Science equipment.]

[(H) Climbing equipment.]

[(b) There shall be enough outdoor equipment for the number and ages of children to meet their physical and developmental needs.]

.014. Toilet Facilities.

(a) *The center shall have inside toilets in bathrooms located and equipped so children can use them independently, and staff members can supervise as needed. Bathroom doors shall have no locks within the children's reach. Children shall have privacy in the use of the bathroom as needed.* [Children in a day care center shall have toilets to take care of their needs promptly, conveniently, and safely.]

[(1) Bathrooms used by the children shall be located inside the center.]

[(2) Infants and preschool age children shall have:

[(A) Bathrooms located and designed so a staff member can supervise. Bathroom doors shall not have locks except latches placed above children's reach.]

[(B) Toilets and lavatories shall be low enough for a child to reach, or must be adjusted by using a safe platform or seat adaptor.]

[(3) School age children shall have privacy in the use of the bathroom. Separately labeled bathrooms comply, as does a single bathroom with a reversible boy/girl sign.]

(b) *There shall be one flush toilet for every 17 children or fraction thereof.* [The ratio of children to toilets is outlined in the chart below.]

Number of Children	Number of Toilets
1-17	1
18-34	2
35-51	3
52-68	4
69-85	5
86-102	6
103-119	7
120-136	8
137-153	9
154-170	10
171-187	11
Etc.]	

(1) *Urinals may be counted in the ratio of children to toilets but may not exceed 50% of the total number of toilets. Bathrooms which contain urinals shall also have flush toilets. [Potty chairs may be used by children three years old or younger. Potty chairs shall not be counted as toilets in the child-toilet ratio. Children using potty chairs shall be counted in the child-toilet ratio.]*

(2) *When a center has a diaper flush, the number of infants under one year old may be subtracted from the total number of children in the center when determining the child-toilet ratio. One diaper flush may serve 17 infants. [Potty chairs shall be emptied and washed with soap and water after each use.]*

(3) *Potty chairs may be used, but cannot be counted in the ratio of children to toilets. [Urinals may be counted in the ratio of children to toilets but may not exceed 50% of the total number of toilets. Bathrooms which contain urinals shall also have flush toilets.]*

(4) *When a center has a diaper flush, the number of infants under one year old may be subtracted from the total number of children in the center when determining the child-toilet ratio. One diaper flush may serve 17 infants.]*

(c) *There shall be one lavatory for every 17 children or fraction thereof. In new buildings, including remodeling begun after June 29, 1976, a lavatory shall be put in the area for infant care. [The ratio of children to lavatories is outlined in the chart below.]*

[The ratio of children to lavatories is outlined in the chart below.

Number of Children	Number of Lavatories
1-17	1
18-34	2
35-51	3
52-68	4

69-85	5
86-102	6
103-119	7
120-136	8
137-153	9
154-170	10
171-187	11
Etc.]	

[(d) In new buildings, including remodeling begun after the effective date of these standards, a lavatory shall be put in the area for infant care.]

.015. Use of Facility.

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

[(c) The day care center shall ensure access to the toilets and lavatories in accordance with the child-toilet and child-lavatory ratios.

[(d) When the day care program is not in operation, the area shall be used for other purposes only when there is no interruption in the day care program.

[(1) Other activities shall not interfere with day care.

[(2) Preparations for other activities shall not be made in an area where the day care program is going on.

[(3) The day care area shall be in order before the day care staff and children return.]

.016. Fire.

(a) In case [cases] of danger from fire, the first responsibility of center staff shall be the evacuation of the children.

(b) All centers shall have an annual fire inspection with a written report. Any corrections called for in the report shall be made.

[(1)] Fire inspections shall be requested from local authorities where available *and from state fire authorities, if not available locally.*

[(2) Fire inspections shall be requested from state fire authorities, if local authorities are not available.]

(c) (No change.)

(d) [All staff members shall know what to do in an emergency.

[(e) Fire drills shall be held quarterly at different times of the day.

[(f) The person responsible for the day care center shall report all fires to the department.

[(g)] A fire evacuation plan shall be posted in each room used by the children *and all staff members shall be instructed as to what to do in an emergency. Fire drills shall be held quarterly at different times during the center's operation using these plans.*

(e) *The building shall permit children fast and safe exit within three minutes in an emergency.*

(1) *A facility more than one story high shall have one inside and one outside staircase leading to all floors.*

A fire marshal shall approve any exceptions. If there are no outside staircases and the fire marshal's approval cannot be obtained, children shall be kept on the first floor.

(2) *A center shall have at least two exits to the outside, located on different sides of the building.*

(3) *Doors opening into a fenced yard shall be easily opened from the inside by children. Doors between rooms shall not be locked while children are present.*

(4) *Doors and pathways shall not be blocked.*

(f)(h) Heating devices and their nearby areas shall present no fire hazards.

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

(4) Wood burning or gas log fireplaces shall not be used during hours of operation.]

(g)(5) Combustible material shall be kept away from light bulbs and other heat sources.

(h)(6) Gas pipes in day care centers shall be tested annually for leaks. A copy of the test report shall be given the department.

(i) The building shall permit children fast and safe exit within three minutes in an emergency.

[(1) A facility more than one story high shall have one inside and one outside staircase leading to all floors. A fire marshal shall approve any exceptions. If there are no outside staircases and the fire marshal's approval cannot be obtained, children shall be kept on the first floor.

[(2) A center shall have at least two exits to the outside, located on different sides of the building.

[(3) Doors opening into a fenced yard shall be able to be easily opened from the inside by children. Doors between rooms shall not be locked while children are present.

[(4) Doors and pathways shall not be blocked.]

.017. Sanitation.

(a) The facility shall have an annual [health and] sanitation inspection with a written report. Any corrections called for in the report shall be made. [Health and] Sanitation inspections shall be *requested* [required] from local authorities where available and from state authorities when not available locally.

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

(d) The day care center shall have an adequate supply of water that meets the standards for drinking water of the

Texas Department of Health [Resources]. Whenever possible, the source of water shall be from a public drinking water system.

(1) Day care centers shall have hot and cold running water. Water temperature shall be controlled by a thermostat so it cannot scald.

(2) Water shall always be available to children. It shall be supplied by means of:

(A) Drinking fountains, or

(B) Individual drinking glasses used by only one child between washings, or

(C) Paper cups used once by one child.

(e) Drinking water shall always be available to children. It shall be supplied in a safe and sanitary manner. The temperature of any hot water available to the children shall be controlled by a thermostat so it cannot scald (no higher than 120 degrees Fahrenheit).

(f)(e) Adequate and safe flush toilets and sewerage systems shall be provided. Whenever possible, the facility shall be connected to a public sewerage system. Where public sewers are not available, treatment facilities meeting the standards of the Texas Department of Health [Resources] and approved by the local health authority shall be installed to dispose of sewage.

(g)(f) Garbage shall be kept *in containers with tight lids* away from areas used by children (and in containers with tight lids)

(1) Trash containers shall be used for daily clean up.

(2) Trash shall be removed from the center at least twice a week.

(3) Garbage cans shall be washed and cleaned inside and out to prevent odors.

(h)(g) Day care centers shall take *measures* [steps] to keep the facility free of insects and rodents. If pesticides are used, label instructions shall be followed. If poisons are used, they shall be out of the children's reach.

(i)(h) *Staff and children shall wash their hands after using the toilet and before eating. Staff caring for infants shall wash their hands before and after changing a diaper, and before feeding an infant.*

(j) *If washcloths are used for cleaning children's hands and faces, an individual cloth shall be used for each child.*

.018. Safety.

(a) The building, grounds, and equipment shall be *repaired and maintained to protect the safety of the children* [safe].

(1) Electrical outlets *accessible to* [in room used by] children shall have child proof covers or safety outlets.

(2) Electric fans *and heaters* shall be mounted out of children's reach or have safeguards that keep children from *being injured* [touching the blades]

(3) Window air conditioners shall be made so children cannot reach working parts. Where 220 volt window unit connections are within children's reach, a screen or guard shall protect the connections

(4) Indoor floors and steps shall not be slippery or have splinters. They shall be dry when used by the children. Outdoor steps shall not be slippery. Metal stripping on stairs shall be secure.

(5) Stairs and porches more than two feet above the ground shall have railings the children can reach.

(6) The play area shall be dry and free from sharp objects. [Poisonous plants shall be removed.] Tanks,

ponds, open wells, drainage ditches, sewerage pipes, and dangerous machinery shall be fenced to keep the children out. Garbage cans and highly flammable material shall not be present in the play area. Trash cans are permitted.

(b) Indoor and outdoor equipment and supplies shall be safe, strong, and in good repair for the children.

(1) Unusable items shall be repaired immediately or removed from areas used by the children.

(2) Stationary Outdoor *play* equipment [such as climbing gyms, swings, and slides] shall be away from busy areas in the yard and securely anchored, unless portable by design

(3) Swing seats shall be made of soft material.

(4) Toys that use anything that explodes (such as caps) or that shoot things (such as darts or B-B's) shall not be allowed

(5) Toys shall have no poisonous materials (such as lead paints or explosive or poisonous gases).

(6) Furnishings and equipment must have no sharp edges, rusty or loose parts, or lead painted surfaces.

(7) *Toxic substances, both indoors and out, shall not be accessible to children.*

(c) (No change.)

(d) *Chlorine products shall never be combined with ammonium compounds as they produce a poisonous gas when used together.*

.019. Health Requirements for Children.

(a) Evidence shall be required that *each* [a] child is physically able to take part in the day care program. Evidence of the general state of each child's health shall be presented by his or her parents when admitted to the day care center or within one week of admission. Any of the following constitute compliance

(1) (6) (No change.)

(b) *As annual evidence of the preschool age child's continued ability to participate in the program, either of the following is acceptable:*

(1) *A written or oral statement by the parents that the child is enrolled in an on-going health supervision program with annual evaluation. An oral statement must be documented in the child's record.*

(2) *An annual statement from a licensed physician that the child can continue to participate in the program.*

(c)(b) *For each child in care, the center is required to file immunization records that show the age, the immunization status, the number of doses, and the dates the immunization was received. These records shall be on file at the center as long as the child is enrolled. One of the following will comply:* [The child shall have required immunizations. The parents shall submit one of the following at enrollment.]

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

(2) (5) (No change.)

(c) All centers are required to file immunization records on each child that show the immunization status of each child by age and number of doses and dates received. These records shall be on file at the center as long as the child

is enrolled. Immunization records shall be open for inspection by the department.]

(d) The child shall be tested for tuberculosis according to recommendations of the Texas Department of Health [Resources]. For recommendations contact the local health department, the regional office of the Texas Department of Health [Resources], or the Texas Department of Health [Resources] Bureau of Tuberculosis Services, Austin.

(e) As annual evidence of the child's continued ability to participate in the program, either of the following is acceptable:

(1) A written statement by the parents that the child is enrolled in an on going health supervision program with annual evaluation as described in (a)(1), (2), (3), or (6) above; or

(2) An annual statement from a licensed physician that the child can continue to participate in the program.]

.020. *Illness or Injury*

(a) (No change)

(b) Illness shall be handled to protect the health of all children in the center.

(1) When ill *a child shall be given a cot away from the other children and the child's parents shall be called immediately. The child shall be supervised until leaving the center.*

(A) The child shall be given a bed or cot away from the other children.

(B) The child shall be supervised until leaving the center.

(C) The child's parents shall be called immediately.]

(2)(D) The child shall be given first aid, if needed. *In case of a critical illness or injury, the physician named by the parents shall be called. If necessary, the child shall be taken to the nearest emergency room.*

(2) In the case of a critical illness or injury, the physician named by the parents shall be called. If necessary, the child shall be taken to the nearest emergency room.]

(3) Admission or readmission of any child after a communicable disease shall be allowed if the recommendations of the Texas Department of Health [Resources] are followed.

.021. *Medications* Medications and special medical procedures shall be administered to a child only on the written, dated, and signed request of a licensed physician *or the child's parents*. The original label on the container with the physician's instructions is acceptable.

(1) Prescription medications shall be in the original container labeled with the child's name, a date, instructions, and the physician's name. *Medication shall not be administered past any stated expiration date.*

(2) All nonprescription medication (except aspirin or aspirin substitute) shall be labeled with the child's name and dated. All nonprescription medication (including aspirin or aspirin substitute) shall be administered to the child only when approved *in writing* by health personnel or the child's parents *and in accord with label instructions*.

(3) (6) (No change)

.022. *Emergency Phone Numbers*

(a) [Emergency telephone numbers shall be near a telephone accessible to all staff members.] The following

emergency telephone numbers shall be posted by a [the] telephone *which is accessible to all staff members*:

(1)(a) Ambulance service or emergency medical services.

(2)(b) Police or sheriff's department.

(3)(c) Fire department.

(d) Licensed physicians available in an emergency.

(e) The number of the physician designated by the parents.]

(b) *The following telephone numbers shall be in place accessible to the telephone and to all staff.*

(1)(f) Numbers where parents may be reached.

(2)(g) Numbers where families and physicians of staff members may be reached. [Enrollment information or health forms in an accessible place constitute compliance with (e) and (f).]

.023. *Animals* If there are animals on the premises, the facility shall have a licensed veterinarian evaluate animals annually to determine which ones need to be examined and vaccinated. Examinations, vaccinations, and treatment shall be given as the veterinarian recommends.]

(a) *Animals on the premises shall be vaccinated according to the recommendations of a licensed veterinarian. Documentation of vaccinations shall be filed at the facility.* [Proof of evaluation and vaccinations shall be filed at the facility.]

(b) (No change)

.024. *Food Service*

(a) All food and drink served by the center shall be of safe quality. [Food shall be obtained from sources approved by federal, state, or local authorities,] and shall be stored, prepared, distributed, and served under sanitary conditions. *Food service equipment shall be washed and sanitized.*

(b) *Cleaning supplies shall be clearly marked and kept separate from food.* [All food and drink shall be stored to prevent spoiling.]

(1) Food supplies shall be stored and protected from contamination by wrapping or placing in containers suitable for storage.

(2) Food shall be protected from insects and rodents.

(3) Cleaning supplies stored in the same room with food shall be clearly marked and kept separate.]

(c) [Food and drink shall be handled so that sanitation is ensured, nutrients retained, and spoilage prevented.]

(1) Food service personnel shall practice good hygiene when handling food. [Smoking in any of the food areas shall be forbidden.]

(A) Food service personnel shall have clean fingernails and clean hands.

(B) Personnel with [symptoms of communicable disease or with] open or infected wounds shall not work in the food preparation area. *Smoking in any of the food areas shall be forbidden.*

(2) Food and meals shall meet nutritional requirements and be safe to eat.

(3) Food shall be served promptly and stored appropriately after serving.]

(d) *Bottle shall be clearly marked with the child's name.* [Areas and equipment for storing, preparing, and serving food shall be adequate and clean.]

(1) If food is prepared at the center, there shall be adequate kitchen equipment, including refrigerator and stove or oven.

(2) The food preparation area and equipment shall be cleaned after each use. Equipment shall be stored in a sanitary manner.

(3) Food service equipment, including infant feeding equipment, shall be washed and sanitized.

(4) Single service napkins, bibs, dishes, and utensils shall be discarded after each use.

(5) Washable napkins, bibs, and tablecloths shall be cleaned after each use.

(6) Chlorine products shall never be combined with ammonium compounds, as they produce a poisonous gas when used together.

(f) *Children shall be encouraged but not forced to eat.*

.025. Nutrition.

(a) [Centers shall be responsible for the variety and quality of food given to children in care.] Food in the day care center shall be nutritious and served in variety and amounts adequate to ensure growth and development. (See Rule 326.90.99.600 for amounts required.)

(1) [Foods and drink shall not be sold or bought from a snack bar or vending machine for the children except during excursions away from the center.]

(2) [Daily menus for all meals and snacks prepared and served in the center shall be plainly posted. Any substitution shall be of comparable food value and shall be recorded on the menu. Menus shall be retained for 30 days.]

(3) [All children shall have regular meals, mid-morning, and midafternoon snacks. A nutritious snack includes milk, cheese, meat, peanut butter, fruit, vegetable, juice, or other foods which contain a substantial amount of protein, vitamins, or minerals.]

(4) [If food brought into the center by a child does not meet the nutritional requirements, the center must provide the additional food necessary to meet requirements. Such additional food must be offered to the child.]

(5) [There shall be from two to four hours between meals or snacks during the day. The midday meal shall not be served before 11 a.m.; the evening meals shall not be served before 5 p.m. There shall be no more than 14 hours between meals or snacks for children in a night care program.]

(6) [Children shall be offered additional servings of foods in order to meet nutritional requirements. If food brought into the center by a child does not meet the nutritional requirements, the center must provide the additional food necessary to meet requirements.]

(7) [A child in the day care center for five to nine hours per day shall have at least one third of his or her daily food needs met. A child in the center for nine hours or longer shall have at least one-half of his or her daily food needs met. This does not apply to the child who arrives after the evening meal and leaves before the morning meal.]

(8) *Special or therapeutic diets shall be approved in writing by a physician.*

(b) Infants not yet ready for table food shall be fed an infant formula or diet approved in writing by the child's physician or parents.

(1) When the formula is provided by the parents, the following shall be observed:

(A) Nipples of bottles shall be covered.

(B) Bottles shall be clearly marked with the child's name.

(C) Formulas shall be stored appropriately and immediately upon being brought to the center.

(D) Formula found to be spoiled shall be discarded.

(E) Written feeding instructions shall be dated and signed by the parents, and updated *as changes are made* [monthly].

(F) Feeding problems or failure to thrive in young infants shall be discussed promptly with the parents.

(2) When the formula is provided by the center, it shall be prepared carefully, properly sterilized, and stored to safeguard the health of the child.

(c) Infants eating table food shall be offered a diet consisting of milk or formula, cereal, fruits, vegetables, and meats in sufficient amounts to meet their daily food needs, or as directed by parents or physician.

(d) Children shall be encouraged but not forced to eat.

(1) Meals shall be conducted in a relaxed atmosphere.

(2) Good eating habits shall be recognized and praised.

(e) School age children shall have regular meals and snacks.

(1) Breakfast shall be available for school age children in night care before they leave for school.

(2) School age children present at midday shall have lunch.

(3) School age children present after school shall have snack.

.026. Operation.

(a) Activities shall be provided for each group according to the ages, interests, and abilities of the children. The activities shall be flexible and promote the physical, emotional, social, and mental growth of each child [and shall provide for]:

(1) Physical care routines *shall include a supervised rest period after the noon meal. Typically, rest periods shall not last longer than three hours*, including:

(A) Regular eating times as outlined in Rules .024-.025.

(B) A supervised rest period after the noon meal on individual cots, mats, or beds for preschool and kindergarten children. Typically, rest periods should not last longer than three hours. Rooms shall not be completely darkened during this time.

(C) Toileting with staff assistance as necessary.

(2) *Indoor and outdoor periods shall provide for:* [Developmental activities, including:]

(A) *Alternating active and quiet activities.* [Outdoor periods lasting for at least one-fifth of a child's stay at the center, unless the child is ill, or the weather is bad. Both organized and free choice activities shall be available during the outdoor periods throughout the week.]

(B) *Opportunity for individual, small, and large group activities.* [Indoor periods which provide opportunities for experiences as outlined in Rules .011-.015, including:]

(i) Alternating active and quiet activities.

(ii) Opportunity for individual, small, and large group activities.

(iii) Large blocks of time.

(b) (No change.)

.027. Discipline Discipline and guidance shall be consistent, shall be based on an understanding of individual needs and development, and shall promote self-discipline and acceptable behavior. There shall be no cruel, harsh, or unusual punishment. No child of any age shall ever be shaken or hit, and no child under five years old shall ever be spanked. If the governing body believes that it is necessary to spank children who are past their fifth birthday, there shall be a statement on file at the *center* [facility] that it is the *center's* [facility's] policy to permit physical punishment. The statement of the rules *that the center* [which the facility] has adopted concerning the administration of physical punishment shall include that spanking can be done only with a staff member's open hand on a child's buttocks. Each incident shall be witnessed by another staff member and shall be documented in the *center's* [facility] records. The *center* [facility] shall inform the parents of the policy, in writing, and shall have parents' signed approval.

(1) Brief, supervised separation from the group may be used if necessary, *but no child shall be placed in a locked room.*

(2) Children shall not be placed in a locked room.

(3) Children shall not be humiliated or subjected to abusive or profane language. Punishment shall not be associated with food, naps, or toilet training. Bedwetters shall not be shamed or punished.

.028. Infant and Toddler Care.

(a) *The environment* of infants, children under 18 months, shall be *safe and* in a safe place. Their environment shall be stimulating to their physical, mental, emotional, and social development. Infants shall be cared for in rooms and outdoor play areas separate from older children.

(b) Infants shall be *talked to, held, and played with by the staff.* Infants up to six months old shall be held while being fed. Bottles shall not be propped. Infants of more than six months shall be held, if needed. When an infant shows evidence of wanting to feed himself or herself, the infant shall be encouraged to do so. Feeding problems and poor weight gain shall be discussed with the parents.

(c) Infants no longer being held for feeding shall sit in low chairs at low tables, in infant seats with trays, or in high chairs, with wide bases and safety straps.

(d) Diapers shall be changed promptly when needed and in a sanitary manner.

(1) The infant shall be placed on a washable surface or a surface with a clean, disposable covering.

(2) Individual washcloths and towels or disposable towelette shall be used to thoroughly cleanse and dry the child.

(3) Soiled or wet reusable diapers shall be promptly rinsed by the flush toilet method and placed in a moisture proof bag or stored in a covered container to be cleaned daily.

(e) The staff members responsible for infants in a day care center shall practice good health habits.

(1) Staff members shall wash their hands thoroughly with soap and water before and after changing a diaper.

(2) Staff members shall wash their hands thoroughly with soap and water before feeding an infant.

(f) The needs of infants shall be met consistently and promptly to promote stability in relationships between infants and staff.

(g) Stimulation shall be regularly provided for infants in a variety of ways.

(1) Infants shall be talked to, held, and played with by the staff.

(c)(2) Each infant shall be allowed to explore outside the crib or play pen each morning and afternoon.

(3) Toys shall be provided for infants. (See Rule .013.)

(4) Each infant shall be allowed to go outdoors in good weather. This may be for a few minutes for younger infants and at least one hour for older infants.

(d)(5) Infants, while awake, may remain in their cribs for up to one hour as long as they stay content and responsive.

(h) Infants shall always have supervision.

(e)(1) A staff member shall always be in the room with the infants.

(f) *Infants up to six months old shall be held while being bottle fed. Infants of more than six months shall be held, if needed. Bottles shall not be propped at any time.*

(g) *Infants no longer being held for feeding shall be fed in a manner which ensures their safety and comfort. When an infant shows evidence of wanting to feed himself or herself, the infant shall be encouraged to do so.*

(h) *Soiled or wet diapers and other clothing shall be changed promptly in a sanitary and safe manner.*

(1) *The child shall be placed on a clean, washable surface or a surface with a clean, disposable covering.*

(2) *Individual washcloths and towels or disposable towelettes shall be used to thoroughly cleanse and dry the child.*

(3) *Soiled or wet reusable diapers shall be promptly rinsed by the flush toilet method. Used diapers shall be placed in a moisture proof bag or stored in a covered container to be cleaned daily.*

(2) When there is a toilet and lavatory next to the infant room, the staff member may use them for personal and diapering needs.

(3) When the toilet and lavatory are not next to the infant room, another staff member shall watch the infants while personal and diapering needs are attended to.

(i) Children shall be encouraged, not forced, in desired toilet habits.

.030. Children with Need for Special Care.

(a) Children enrolled in the day care center who need special care due to disabling or limiting conditions shall be given the care recommended by qualified psychologists, physicians, or other experts. Care recommendations and documentation that they have been carried out shall be in the child's record.

.031. Evening and Night Care.

(a) A day care center offering evening or night care shall comply with any [all] applicable fire and safety requirements [standards] for this type of care.

(b)(1) Staff members shall be awake at all times, and activities and routine shall meet the unique needs of children in evening or night care.

(2) There shall be a plan for getting the sleeping children to safety in case of fire or emergency.

(b) Activities shall meet the unique needs of children in evening or night care.

(1) Children arriving in the daylight hours shall be allowed to play outdoors in good weather. Older children shall have the opportunity for reading or doing homework.

(2) Children shall engage in quiet, relaxing activities before bedtime, such as listening to stories and watching television. The children's age should be considered in planning these activities.

(3) The children shall have a reasonable bed time. An opportunity for sleeping shall be available for children in evening care who will not remain all night.

(c) Children in evening and night care shall have an appropriate routine.

(1) Evening meals shall be served, as well as breakfast, for children spending the night.

(2) Drinking water shall be available during the night.

(3) Children staying the night shall have the opportunity to *bathe* [take hot baths]. When bathtubs or showers are used, preschool age children shall be supervised. Privacy shall be ensured for school age children. Tubs or showers shall be cleaned after each use. Children shall be provided fresh washcloths and towels.

(d)(4) *Sleeping equipment shall be appropriate to the age and size of each child.* Children in evening care shall be provided a bed or cot, with a mattress or pad, and a pillow. Children in night care shall be provided a designated bed with a mattress and pillow. Sleeping equipment shall be appropriate to the age and size of each child.

(1)(A) Pillows and mattresses shall have *washable protective* [fitted plastic] coverings.

(2)(B) *Each child shall have his or her own clean linens and cover.* Two sheets and a pillow case shall be on each bed and changed at least once a week for cleanliness and sanitation.

(C) If beds or cots are used by different children, linens shall be changed and laundered before use by other children.

(D) Bedwetters shall have linens changed as often as necessary.

(E) Each bed or cot shall have at least one cover available.

(F) Beds or cots shall be arranged so that there are at least two feet between them.

(5) The center shall require each child in night care to have:

(A) night clothing.

(B) a toothbrush marked for identification.

.032. Water Activities.

(a) Water activities shall be supervised to safeguard the children.

(1) When sprinklers, hoses, and basins of water are used for water play, a staff member shall supervise.

(2) When a splashing pool (six inches of water or less) or a wading pool (more than six inches of water but less than two feet) is used, the following shall apply.

(1)(A) The pool shall be drained and cleaned after each use and maintained as required by local regulations and the standards of the Texas Department of Health [Resources] for such pools.

(2)(B) When such pools are not in use, they shall be out of the child's reach.

(3)(C) One staff member with knowledge of water safety shall supervise at all times. When children under four are in the water, two staff members shall supervise.

(b)(3) When a swimming pool (more than two feet of water) is used, the following shall apply.

(1)(A) *At the day care center, a pool* [It] shall be enclosed by a fence at least six feet high and built so children cannot easily climb over it. The gate shall be locked when the pool is not in use. Machinery rooms near *all pools* [the pool] shall be locked.

(2)(B) *All pools* [It] shall be *maintained* [built and cared for] as *stated in* [required by] the standards of the Texas Department of Health [Resources] and local regulations.

(C) New swimming pools shall be built in accordance with Texas Department of Health Resources "Design Standards for Public Swimming Pool Construction."

(3)(D) One lifesaving device shall be provided for each 2,000 square feet of water surface (or portions thereof) with a minimum of two for each pool.

(4)(E) In addition to regular staff-child ratio, A certified lifeguard shall be on duty *at all times and shall not be counted in the staff-child ratio*.

(c)(b) Staff-child ratio when water is used by the center is as follows:

(Swimming chart. (No change.))

.033. Transportation.

(a) When a day care center provides transportation, children shall be *safely seated when the vehicle is in motion* [protected by staff supervision and safety precautions].

(1) The vehicle used for transporting children shall be in safe operating condition and in compliance with state and local laws.

(2) Drivers shall abide by state and local driving laws.

(3) Children shall be safely seated with enough space when the vehicle is in motion.

(4) The director shall have rules for travel that ensure the safety of the children. These rules shall be filed at the center.

(b)(5) Children shall be loaded and unloaded at the curb side of the vehicle or in a protected parking area or driveway.

(6) The center shall have signed and dated permission from the parents on file before a child can be transported.

(c)(7) A first aid kit shall be in all vehicles regularly transporting children.

(d)(8) Children shall not be transported in the open back of a truck.

(e)(b) Staff-child ratio for the transportation of children shall be met.

(1) (No change.)

(2) For children two years of age or older, the staff-child ratio shall be established by any of the options outlined in [Chart I, Straight Age Grouping, or Chart II, Multiage Grouping, as shown in] Rule .009(a). If there are children under four years of age, there shall always be at least two adults present.

(3) The developmental or emotional age of mentally retarded or emotionally disturbed children, as determined by an expert, shall be used to determine the staff-child ratio, not their chronological ages.

.034. Definitions.

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

(e) Group A specific number of children (not to exceed the staff child ratio) assigned to specific staff member(s); each child in any group will have the following things in common with every[each] other child in his or her group:

- (1) the same staff member(s) (who is) responsible for the child's basic needs; and
- (2) the same (home base or) classroom or activity space.

(f) Infant For purposes of this document, an infant is defined as a child who has not reached 18 months old.

(g) Plan of operation. The form furnished by the Texas (State) Department of Human Resources (Public Welfare) on which the governing body or director of a day care center outlines the plans for operating the day care center.

(h) Staff member. Any person who is responsible for giving care for children is considered a staff member whether paid or unpaid and must meet the qualifications and conditions as outlined by the standards.

(i) (1) (No change.)

Doc No 795599

326.90.05.004, .029, .036

(Editor's note. The texts of these rules proposed for repeal will not be published. The rules may be examined at the office of the Texas Department of Human Resources, John H. Reagan Building, Austin, or the office of the Texas Register Division, 503E Sam Houston Building, Austin.)

The repeal of Rules 326.90.05.004, .029, and .036 is proposed under the authority of the Human Resources Code, Chapter 42.

004. Attendance.

029. School Age Care.

036. Temporary Exemptions.

Doc No 795600

(1) When One Care Giver is Present (And)	0-18 MONTHS	18 MONTHS AND OLDER	5 YEARS OLD AND OLDER
	0	6	6
	1	5	4
	2	4	2
	3	3	1
	4	2	0

These children must be the care giver's own children or brothers or sisters of other children in care.

[No infants are cared for, then six preschoolers and six school children may be cared for; one infant is cared for, then five preschoolers and four school children may be cared for; two

Standards for Registered Family Homes 326.90.06

These rule changes are proposed under the authority of the Human Resources Code, Chapter 42.

.001 The Children in Care.

(a) *The number (and ages) of children in care. The number of children cared for, including the care giver's own children, is determined by the legal definition of a registered family home; the ages of the children in care; and the number of qualified care givers in the home. The law limits the registered family home to caring for no more than six children under 14 years of age who are not the care giver's own children. In addition, the registered family home may care for no more than six school-age brothers and sisters of these children before and after school. At no time may more than 12 children, including the care giver's own children, be cared for in a registered family home. Staff-child ratio limits the number of children in care in a registered family home according to the ages of the children, including the care giver's own children and the number of care givers. A registered family home cares for no more than six children under age 14 on a regular basis. This number does not include the care giver's own children. Additionally, the family home can give care after school hours for up to six other children who are brothers or sisters of the ones in care. But the total number of children in care, including the care giver's own, can never be more than 12.*

(b) Staff to child ratio. The number of children in care including the care giver's own children cannot be more than is shown in the age combination shown below (these age combinations):

infants are cared for, then four preschoolers and two school children may be cared for; three infants are cared for, then three preschoolers and one school child may be cared for; four infants are cared for, then two preschoolers and no school children may be cared for. An infant is a child under 18 months old. A preschooler is a child at least 18 months old who has not started school.]

(2) When more than one care giver is present. *Care may be given to six children of any age. In addition, care may be given before and after school to no more than six school-age brothers and sisters of other children in care. There may never be more than 12 children in care, including the care giver's own children.* Care may be given six children of any age and up to six school-age children who are brothers or sisters of the ones in care. But the limit, including the care giver's own children, is still 12.

(c) Length of care. *No child may be in care for more than 24 consecutive hours.* Care in any one day must be for less than 24 hours.

(d) Taking children for care. Before accepting a child for care, the care giver must give parents a copy of ["Minimum Standards for Registered Family Homes" and "Parents' Guide to Registered Family Homes." The State Department of Public Welfare provides these.] *The care giver must have on file an emergency care medical form, completed and signed by parents for their children.* [Parents must complete and sign an emergency medical care form for their children. No child can be refused care because of race.

(e) Immunization. *Before accepting a child for care, the care giver must have on file a record that the child has been tested for tuberculosis according to the recommendations of the Texas Department of Health and immunized against diphtheria, tetanus, polio, measles, rubella, mumps, and pertussis. A statement signed or stamped by a physician or health clinic is also acceptable if it says that the immunization has begun and will be complete soon. For a child in after school care, a parent's signed and dated statement that the immunization record is on file at the school is acceptable. A child's immunization record, with dates, must be retained in the care giver's files. Forms which may be used for recording this information are included in the "Parents' Guide to Registered Family Homes." The care giver may transfer this information from the immunization record. Exception: If immunization is against the child's religion, the parents must provide a signed statement saying this is the case. These immunization requirements must be followed for the care giver's own children if they are living in the family home.* [Before accepting a child for care, the child must have been tested for tuberculosis (TB) and immunized against these diseases—diphtheria, tetanus, polio, measles, rubella, and pertussis. A statement signed or stamped by a physician or health clinic is acceptable if it says the immunizations have begun and will be completed soon. Exception: If immunization is against the child's religion, the parents must provide a signed statement saying this is the case. A copy of each child's immunization record, with dates, must be given to the care giver. The results of the TB test also must be given to the care giver. For a child in after school care, parents' signed and dated statement that the child's immunization record is on file at the school is acceptable. These rules must be followed for the care giver's own children if they are preschool age and living in the family home.]

.002. The Day Care Giver and Family

(a) *Care giver qualifications. The care giver must be at least 18 years old and capable of caring for children. No one may serve as a care giver in a registered family home who has been convicted within the previous 10 years*

of any felony or of any misdemeanor classified as an offense against the person, or of violation of any law enacted to protect children. (Age and health. The care giver must be at least 18 years old. No one in the family home can have a physical or mental condition that could be harmful to the children cared for. When children are being cared for, no one can be in the home who has been convicted of a crime of immoral conduct or convicted of violating a criminal statute that protects children.)

(b) *Persons in the home. When children are present, persons whose behavior appears to endanger the health, safety, and well-being of the children must not be allowed in the registered family home. Family members, visitors, parents, or other persons with symptoms of contagious disease, a physical or mental condition that would be harmful to the children, or who appear to be intoxicated must not be allowed in the home while children are present.*

(c) (b) TB test. *Everyone over 14 years old who is in the family home when children are in care must have a TB test according to the recommendations of the Texas Department of Health.* (Everyone over 14 years old living in the family home and anyone who gives care to the children must have a TB skin test or x ray every year.)

(d) *Health certificate. Everyone who regularly prepares or serves food in the home must have on file in the home a health certificate signed by a licensed physician and dated within the past 12 months. The health certificate must be renewed every year. A health certificate is a health card, a food handler's card, a TB test report, or any other statement signed by a licensed physician.*

(e) *Everyone who regularly prepares or serves food in the home must have a health certificate, signed by a licensed physician and dated within the past 12 months. The health certificate must be renewed every year. A health certificate is a health card signed by a licensed physician, a food handler's card signed by a licensed physician, or a statement signed by a licensed physician that the person is in good health.*

(f) (d) Accidents. The care giver must have a copy of "A Guide for First Aid and Emergency Care for Young Children" to use when there is an accident. (The department provides this.)

.003. Health and Safety (The Home)

(a) *Fire, sanitation, and safety. The registered family home must meet the requirements listed in the department's brochure "Fire, Sanitation, Safety, and Nutrition for the Registered Family Home." The family home must have fire, sanitation, and safety inspection reports when registered and every year after that. If inspections cannot be done locally, the department will provide checklists. These must be completed by the care giver and signed when the home is registered and every year after that. Parents have a right to ask for and see the inspection reports or checklists.*

(b) *Nutrition. The registered family home must see that nutritious meals and snacks are provided to the children in care. Meals must meet the requirements listed in the department's brochure "Fire, Sanitation, Safety, and Nutrition for the Registered Family Home."*

(c) (b) General. The care giver must keep a safe and healthy home for the children in care. *Indoor and outdoor toys, equipment, and supplies must be safe and kept in good repair.* [When required by the department, the home must participate in a statistical sampling.]

004. The Care Given to Children

(a) (c) (No change.)

(d) **Activities.** Quiet and active play must be planned for the children, and sufficient toys and equipment must be available. If the weather is good, the children must be allowed to play outdoors daily. *The care giver must get signed permission from the parents for trips or activities away from the registered family home. Signed permission from parents is required before the care giver may allow anyone other than the parents to take a child away from the registered family home.*

(e) (f) (No change.)

Doc. No. 795601

Standards for Group Day Care Homes

326.90.07.001-.011, .013-.025, .028-.031

These rule changes are proposed under the authority of the Human Resources Code, Chapter 42.

001. Organization. The owner must submit an application to the *Texas Department of Human Resources* (State Department of Public Welfare) on a form provided by the department.

(1) (2) (No change.)

002. General Administration

(a) (b) (No change.)

(c) The department must be notified if a child in care dies, is seriously injured, or comes down with a serious disease or if it appears that a child has been abused or neglected. *Any fire at the group day care home must also be reported to the department.*

(d) *Any employee or other person against whom is returned an indictment alleging commission of any felony, or an indictment or official criminal complaint alleging commission of a misdemeanor classified as an offense against the person; or an indictment or official criminal complaint alleging violation of any law enacted to protect children shall be reassigned or removed from direct child care activities and from any contact with children. Such reassignment or removal shall remain in effect pending resolution of the charges. Notification of such action shall be made to the licensing branch within 24 hours or the next working day. (The director must notify the department or the local police or sheriff's office when it appears that a child has been abused or neglected. This is required by state law, failure to comply is a misdemeanor.)*

003. Enrollment

(a) An enrollment agreement (information) must be on file for each child before admission to the group day care home. This information must include:

(1) (C) The (A child care) agreement signed by the parent and director *must contain* (which contains):

(1) (F) (A) Child's name, birth date, home address, and telephone number.

(2) (B) Name and address of parent and telephone numbers where parent can be reached while the child is in care.

(3) (C) Statement that the child will be left with a staff member and released only to the parent or person named by the parent. *School age children who leave the home to go to classes and clubs must have written permis-*

sion from their parent. Parents shall specify the activity, time, and method of transportation.

(4) (D) Hours the child will be in care.

(5) (E) Name, address, and telephone number of the child's physician.

(6) (F) Emergency medical authorization.

(7) (G) Transportation permission, if any.

(8) (H) Permission to participate in water activities, if any.

(9) (I) Notes of special problems and needs as indicated by the parent.

(10) Statement that parents may ask for a conference with the care giver.

(12) Immunization records and tuberculosis (TB) test with follow up as required by the Texas Department of Health Resources.

(13) Physician's statement as required in Rule .016(a) (1).

(b) (c) (No change.)

004. Records

(a) (No change.)

(b) A daily attendance record must be kept. This record must be filed for *the previous* three months.

(c) (No change.)

(d) *All records required to be maintained and on file by the standards shall be available for inspection by the department during hours of operation. (When required by the department, the home must participate in statistical sampling in order for the department to obtain information for planning the licensing program.)*

005. Director Qualifications

(a) The director of a group day care home must be at least 18 years old and be able to read and write.

(b) *No one may serve as the director of a group day care home who has been convicted within the preceding 10 years of any felony or of any misdemeanor classified as an offense against the person, or of violation of any law enacted to protect children.*

(c) *The director must submit to the department a personal history statement on an official department form which must include a list of references and information as to felony and/or misdemeanor convictions within the preceding 10 years.*

(1) *The director must provide the department the name, addresses, and telephone numbers of three persons who can attest to the director's character and suitability for directing a group day care home. These persons must be adults, not related to the director, the owner, or one another.*

(2) *The director shall give the department written permission to contact the person listed in (1) above.*

.006. Director Responsibilities.

(a) A director must see that licensing standards are met. When the director is gone from the group day care home, someone with the same qualifications as the director must be responsible for the children.

(b) *The director is responsible for maintaining records for all employees who have contact with children including:*

(1) *A statement from the employee providing information concerning whether there have been any felony and/or misdemeanor convictions, if any, within the preceding 10 years.*

(2) *Three references attesting to the employee's character and suitability for the job. References must be unrelated to the employee. This does not apply to persons employed by the home when these standards become effective. References must include:*

(A) *Name, address, and telephone number of each reference*

(B) *Written statement signed by the references or quotes from the references signed by the director.*

007. Staff Qualifications

(a) *Staff who work directly with the children must be at least 18 years old except:*

(1) *Persons with a high school diploma do not have to be 18 years old*

(2) *(No change)*

(b) *The director and staff must be mentally, emotionally, and physically able to carry out their tasks. The care giver and anyone else living in the group day home must be free of physical or mental illnesses that could be harmful to children. When children are in care, no one can be in the home who has been convicted of a crime of immoral conduct or convicted of violating a criminal statute that protects children.*

(c) *No one may serve as a staff member working directly with children who has been convicted within the preceding 10 years of any felony, or of any misdemeanor classified as an offense against the person, or of violation of any law enacted to protect children. Persons who endanger the health and well-being of the children must not be present in the group day care home.*

(1) *Staff, volunteers, visitors, or parents with symptoms of contagious disease, physical or mental illness, or who appear intoxicated must not be allowed in the group day care home.*

(2) *Smoking is not permitted when children are present.*

(d) *When children are in care, no one can be in the home who has been convicted of a crime of immoral conduct or convicted of violating a criminal statute that protects children. Staff must furnish TB skin test results with follow up or a negative chest x ray taken within six months prior to employment. TB test records must be renewed yearly.*

(e) *Persons whose behavior appears to endanger the health and well-being of the children must not be present in the group day care home. Persons with symptoms of contagious disease, physical or mental illness, or who appear intoxicated must not be allowed in the group day care home.*

(f) *Smoking is not permitted when children are present. Persons who regularly prepare or serve food in the home must have a health certificate signed by a licensed physician. The health certificate must have been obtained and dated within the previous 12 months. It must be renewed yearly. A health certificate is a health card signed by a licensed physician, a food handler's card signed by a licensed physician, or a statement signed by a licensed physician that the person is in good health.*

(g) *Staff who have (has) contact with the children must relate to the children with courtesy, respect, and patience.*

(h) *(No change)*

(i) *Prior to employment, each staff member must be tested for tuberculosis according to the recommendation*

of the Texas Department of Health or local health authorities. TB test records must be updated according to the recommendations of the Texas Department of Health or local health authorities.

(j) *Family members over age 14 who are at the group home during its hours of operation are also required to obtain any required TB test. Those under 14 are subject to the same requirements as the children in care.*

(k) *Persons who regularly prepare or serve food in the home must have a health certificate signed by a licensed physician. The health certificate must have been obtained and dated within the previous 12 months. It must be renewed yearly.*

008. Staff Child Ratio

(a) *(No change)*

(b) *If one person is caring for children, then he or she is limited to the following number of children, based on age:*

(1) *If no infants are cared for, then no (not) more than eight preschoolers and four older children may be cared for.*

(2) *If one infant is cared for, then no (not) more than six preschoolers and four older children may be cared for.*

(3) *If two infants are cared for, then no (not) more than five preschoolers and three older children may be cared for.*

(4) *If three infants are cared for then no (not) more than two preschoolers and one older child may be cared for.*

(5) *(No change)*

(c) (e) *(No change)*

009. Space.

(a) *There must be at least 39 square feet of indoor space for each child in care, measured wall-to-wall from the inside of areas used for activity and not including areas children use for only one type of activity.*

(1) *Floor space is measured wall to wall from the inside of areas used for activity.*

(2) *Floor space covered by furniture may be counted if the children use the furniture.*

(3) *Floor space must not include areas the children use for only one type of activity.*

(b) *The group day care home must have an enclosed outdoor play area available to children in care. Outdoor play areas used by the children must be enclosed by a building or a fence at least four feet high with at least two exits. One exit must be away from the house.*

(1) *The play area must be enclosed and have two exits. One exit must be away from the house. A building or a fence four feet high and strong enough to keep children from leaving the yard must enclose the play area. Gates must be at least four feet high and able to be latched.*

(2) *Fences and gates must be free of sharp points.*

010. Furnishings

(a) *The group day care home must have a working telephone with a listed number. [A pay telephone does not meet this standard.]*

(b) *Each child enrolled in the group day care home must have individual, comfortable, and clean equipment for sleeping or lying down.*

(1) *Infants who have not begun to climb must have cribs.*

(2) *Preschool age children must have individual cots, beds, or mats. Mats must be at least one inch thick and covered with waterproof, washable material. If mats are*

used on floors, the floors must be clean, warm, and dry, and draft free.

011. Equipment

(a) There must be enough indoor and outdoor equipment for the number and ages of children in care to help meet the physical and growth needs of the children.

(1) Infants up to 18 months old must have the following:

(A) Mobiles suspended over cribs and colorful pictures on the walls of the rooms where most of their indoor time is spent.

(B) Safe, soft, washable toys. Toys or material small enough to swallow must be kept out of reach of the smaller children.

(C) Music or pleasant sounds to listen to.

(2) Children 18 months and older must have materials for the following activities:

(A) Arts and crafts.

(B) Building.

(C) Reading and language.

(D) Play acting.

(E) Large muscle activities (climbing, running, jumping).

(F) Manipulative activities (things done with the hands).

(b) There must be enough outdoor equipment for the number and ages of children in care so that their physical and growth needs are served.

013. Fire

(a) (No change.)

(b) A group day care home must have a fire inspection with a written report each year. Any correction called for in the report must be made.

(1) Fire inspections must be made by local fire department officials where available and by state fire officials if not available locally.

(2) Fire inspection must be made by state fire official if local ones are not available.

(c) Staff must know the procedures for dealing with emergencies, and fire drills must be held every three months at different times of the home's open hours. (The structure and use of the building must permit children fast and safe exit from the group day care home in emergencies.)

(1) A group day care home more than one story high must have inside and outside staircases leading to all floors. Fire officials must approve any other arrangement. If there are no outside stairs and the fire official's approval cannot be had, then the children must be kept on the first floor.

(2) A group day care home must have at least two doors to the outside located on different sides of the home.

(3) Doors opening into a fenced yard must be fixed so the children can open them easily from inside. Doors between rooms must not be locked while the children are in the home.

(4) Doors and pathways must be clear of equipment which blocks the movement of children and staff.

(a) The structure and use of the building must permit children fast and safe exit from the group day care home in emergencies.

(1) A group day care home more than one story high must have inside and outside staircases leading to all floors. Fire officials must approve any other arrangement. If there are no outside stairs and the fire official's

approval cannot be obtained, the children must be kept on the first floor.

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(3) Doors opening into a fenced yard must be fixed so the children can open them easily from inside. Doors between rooms must not be locked while the children are in the home.

(4) Doors and pathways must be clear of equipment which blocks the movement of children and staff.

(e) Fire safety training and education must be practiced.

(1) Staff must know the procedures for dealing with emergencies.

(2) Fire drills must be held every three months at different times of the day.

(c) Heating devices and their nearby areas must not be a fire hazard.

(1) (No change.)

(2) Open flame space heaters must not be used. All space heaters must be enclosed and have the seal of approval of a test laboratory approved by the fire marshal. Floor furnaces must be enclosed to keep children off of them (protected).

(3) Space heaters designed to be vented (space heaters) must be vented to the outside as approved by the fire marshal.

(4) Wood burning or gas log fireplaces must be approved by the fire marshal.

(f)(5) Anything that burns must be kept away from light bulbs and other sources of heat.

(f) The person responsible for the group day care home must report fires, even small ones, to the department.

014. Sanitation

(a) A group day care home must have a health and sanitation inspection (inspections) with a written report every year. Any corrections called for in the report must be made.

(1) Inspections will be made by local officials where available or (1).

(2) Inspections will be made by state officials if local ones are not available.

(b) The group day care home, grounds, and equipment must be clean, kept in good repair, and kept with the children's health and safety in mind.

(c) There must be adequate light, ventilation, and heating in the facility.

(d) The group day care home must have an adequate supply of water which meets the standards for drinking water of the Texas Department of Health (Resources). Whenever possible, the source of water must be from a public drinking water system.

(1) Drinking water must always be available to the children. It shall be supplied in a safe and sanitary manner, must be given children by means of:

(A) Glasses used by only one child between washings; or

(B) Paper cups used by one child only once.

(e)(2) Adequate and safe flush toilets and sewerage systems must be provided.

(f)(e) Garbage must be kept in containers with tight lids away from areas used by children and (1) containers with tight lids. Trash must be removed from the home at least once a week.

(g)(f) *Measures* [Steps] must be taken to keep the home free of insects and rodents.

(1) Standing water, garbage, and rubbish must not be allowed on the grounds.

(2) If pesticides are used, instructions must be followed. If poisons are used, they must be out of reach of the children.

(h) *Staff and children must wash their hands after using the toilet and before eating. Staff caring for infants must wash hands before and after changing a diaper and before feeding an infant.*

.015 Safety

(a) Building, grounds, equipment, and supplies must [shall] be safe, strong, and in good repair for the children.

(1)(a) Electrical outlets accessible to [in rooms used by the] children must have child proof covers or safety outlets.

(2)(b) Electric fans and heaters must be made out of children's reach or have safeguards that keep children from being injured [touching the blades].

(3)(c) Window air conditioners must be made so that children cannot reach working parts. When 220 volt window unit connections are within the children's reach, a screen or guard must protect the connections.

(4)(d) Stairs and porches over two feet above the ground must have railings the children can reach.

(e) Damaged equipment must be repaired immediately or removed from areas used by the children.

(5)(f) Large outdoor equipment [such as swings, monkey bars, and slides] must be placed away from busy areas in the yard and fastened to the ground unless it is portable.

(g) Swing seats must be made of soft material.

(6)(h) The play areas must be dry and free from sharp objects. [Poisonous plants must be removed.] Tanks, ponds, open wells, drainage ditches, sewage drain pipes, and dangerous machinery must be fenced to keep the children from getting to them. Trash cans are permitted.

(7)(i) Toys that use anything that explodes [such as caps] or that shoot things [such as darts or B B's] must [are] not be allowed.

(8) *Furnishings, equipment, and toys must have no lead painted surfaces or contain poisonous material. Anything poisonous indoors or outdoors must be kept away from the children's reach.*

(b) *First aid supplies and a guide to first aid emergency care must be kept in handy place out of children's reach.*

(j) Toys must have no poisonous materials [such as lead paints or poisonous gases].

.016 Health Requirements for Children

(a) Each [A] child in a group day care home must be physically able to take part in the day care program. A statement of each [the] child's health must be given the care giver within one week of admission.

(1) (i) (No change.)

(b) *Annual evidence of the preschool age child's continued ability to participate in the program must be recorded.*

(1) *Either a written or oral statement by the parent that the child is enrolled in a health supervision program as described in (a) above. An oral statement must be recorded in the child's record; or*

(2) *An annual statement from a licensed physician that the child can participate in the program.*

[The child shall have required immunization.]

(1) A written and dated statement that the child has been immunized against diphtheria, tetanus, pertussis, polio, measles, and rubella is required when a child enrolls. This statement must be stamped or signed by a physician or health clinic and must give the type, number of doses, and the date given. [This must match the number required by law. See Rule 326.92.99.600.]

(2) A written and dated statement from a licensed physician or authorized health agency that immunizations have begun and will be completed as soon as possible. A written statement from the physician or health agency is necessary when the immunizations are complete.

(3) A written and dated statement signed by a licensed physician that the immunization required would harm the child or the child's family.

(4) A signed statement from the parents that vaccination or immunizations are against their religion.

(5) A written and dated statement for a child in after school care, signed by the parent, that the child's immunization record is on file at the school the child attends.

(c) *For each child in care, the home is required to have immunization records that show age, the immunization status, the number of doses, and the dates the immunization was received. These records shall be in the home as long as the child is enrolled.*

(1) *A written and dated statement that the child has been immunized against diphtheria, tetanus, pertussis, polio, measles, mumps, and rubella is required when a child enrolls. This statement must be stamped or signed by a physician or health clinic and must give the type, number of doses, and the date given. This must match the number required by law.*

(2) *A written and dated statement from a licensed physician or authorized health agency that immunizations have begun and will be completed as soon as possible, and a written statement from the physician or health agency when the immunizations are complete.*

(3) *A written and dated statement signed by a licensed physician that the immunization required would harm the child or the child's family.*

(4) *A signed statement from the parents that vaccinations or immunizations are against their religion.*

(5) *A written and dated statement for a child in after school care, signed by the parents, that the child's immunization record is on file at the school the child attends. [The child must be tested for tuberculosis according to recommendations of the Texas Department of Health Resources. Recommendations can be obtained by contacting the local health department, the regional office of the Department of Health Resources, or the Department of Health Resources Bureau of Tuberculosis Services (Austin).]*

(d) *The child must be tested for tuberculosis according to recommendations of the Texas Department of Health. Recommendations can be obtained by contacting the local health department, the regional office of the Texas Department of Health, or the Department of Health Resources Bureau of Tuberculosis Services, Austin. [Evidence of the child's continued ability to participate in the program must be recorded.]*

(1) Either a written statement by the parent that the child is enrolled in a health supervision program as described in (a) (1), (2), (3) above, or

(2) An annual statement from a licensed physician that this child can participate in the program.

017 Illness or Injury

(a) A [The] child who appears ill must not enter the group day care home without medical approval. The director is responsible for noticing if a child is ill when he or she arrives.

(b) Illness in the group day care home must be handled to guard the children's health.

(1) *When a child is ill, the child must have a bed, cot, or mat, and be separated from the other children; and the child's parents must be called immediately. The child must be closely watched until he or she leaves.*

(2) *The child must be given first aid if needed. If the illness or injury is critical and a parent cannot be reached, the physician designated by the parent must be called. If necessary, the child must be taken to the nearest emergency room.*

(c)(1) When a child recovers from a contagious disease, recommendations of the Texas Department of Health [Resources] must be followed before the child is allowed to return to the group day care home [back].

(2) When a child recovers from a disabling disease, a signed medical statement is required before he or she can return to the home.

(3) When a child is ill, these procedures must be observed:

(A) The child must have a bed, cot, or mat, and be separated from the other children.

(B) The child must be closely watched until he or she leaves.

(C) The child's parents must be called immediately.

(D) The child must be given first aid if needed.

(4) If the illness or injury is critical and a parent cannot be reached, the physician designated by the parents must be called. If necessary, the child must be taken to the nearest emergency room.

(c) First aid supplies and a guide to first aid and emergency care must be kept in a handy place out of children's reach.

018 Medications

(a) Medications can be given to [the] children only with the written permission of parents or a licensed physician.

(1)(a) Prescription medicine must be in the original container, labeled with the child's name, date, instructions, and the physician's name. *Medication shall not be administered past any stated expiration date.*

(b) Medications must be kept out of the reach of children or in a locked container.

(c) Medicine needing refrigeration must be in a separate container.

(d) Medicine must be returned to the parents when no longer needed.

(e) Medication left at the group day care home must be disposed of properly.

(2)(f) Nonprescription medicine, except aspirin or aspirin substitute, must be labeled with the child's name and dated. Nonprescription medicine (including aspirin or aspirin substitute) can be given to the child only with the

parent's or physician's written permission *and in accord with label instructions.*

(b) *Medicines must be kept out of the reach of children or in a locked container.*

(c) *Medicine needing refrigeration must be in a separate container.*

(d) *Medicine must be returned to the parents when no longer needed. Medication left at the group day care home must be disposed of properly.*

019 Emergency Phone Numbers

(a) *These emergency telephone numbers must be [within easy reach of staff and near the] posted by a telephone which is accessible to all staff.*

(1) These telephone numbers must be posted by the telephone:

(1) Ambulance or emergency medical service (EMS).

(2) (3) (No change.)

(b) *The following telephone numbers must be in a place near the telephone and accessible to all staff:*

(1)(4) The [numbers of each] child's parents and physician's telephone numbers [physician].

(2)(5) Emergency telephone numbers of staff member's families and physicians [family and physician of staff members].

(b) Keeping enrollment and health forms close to the phone also complies.

020 *Animals* [The home must have a licensed veterinarian evaluate animals yearly to determine which ones need to be examined and vaccinated. Examinations, vaccinations, and treatment must be given as the veterinarian recommends.

(a) *Animals on the premises must be vaccinated according to the recommendation of a licensed veterinarian. Documentation of vaccinations must be filed at the home.* [Proof of evaluation and vaccination must be filed at the home.]

(b) (No change.)

021 Food Service

(a) All food and drink must be safe. [Food must be from sources approved by federal, state, or local authorities.] It must be stored, prepared, and distributed or served [only] under sanitary conditions.

(b) *Cleaning supplies shall be clearly marked and kept separate from food.* [All food and drink must be stored to prevent spoilage.

(1) Food must be protected from spoiling from any source by putting it in air-tight containers or wrappers.

(2) All foods must be kept away from insects, rodents, and other things that could ruin the food.]

(c) [Food and drink must be prepared and served to ensure good nutrition. Food must be served promptly and refrigerated immediately after use.

(d) Kitchens and utensils must meet the food preparation needs of the group day care home and must be kept clean.

(1) Utensils that can be re-used, including infant feeding equipment, must be washed and sanitized.

(2) Paper napkins, bibs, dishes, and utensils must be thrown away after use.

(3) Washable napkins and bibs must be washed after each use.

(d) *Children of any age must be encouraged, but not forced to eat.*

.022. Nutrition.

(a) The group day care home must ensure the nutritional well-being of the children in care.

(1) (No change.)

(2) [Children must be offered additional servings of everything but the main dish when the first serving fulfills the nutritional requirement outlined in Rule 326.90 99.600.] If food brought in by a child does not meet nutritional requirements, the home must serve *additional* [added] food.

(3) (No change.)

(4) *Any special diet must be approved in writing by a physician.*

(b) Infants not [yet] ready for table food must be fed a formula or diet prescribed in writing by the child's doctor or parent.

(1) [When the formula is provided by the parent, the following must be observed:

(A) Nipples of bottles must be covered.

(B) Bottles must be marked with the child's name.

(2)(C) Feeding instructions must be dated and signed by the *parents* [parent] and updated *as changes are made* [monthly].

(2) When the formula is provided by the group day home, care must be taken in its preparation. It must be sterilized and stored to guard the child's health.

(c) Children of any age must be encouraged but not forced to eat.

(1) Meals must be in relaxed surroundings that help the children eat well.

(2) Good eating habits must be recognized and praised.

(3) When an infant is ready to feed himself or herself, the infant must be encouraged to do so.

(4) If a child eats very little, the problem must be discussed with the parents.

(d) School age children who are in the group day care home at regular meal or snack time must be served meals and snacks.]

.023. Program Operation.

(a) The children must have activities that suit their ages, interests, and abilities. Activities must help the physical, emotional, social, and mental growth of each child and include:

(1) [Regular eating times.]

(2) [A supervised rest period [on cots, mats, or beds for preschool and kindergarten children after the noon meal that lasts no longer than two hours. Rooms must not be completely dark during nap time].

(3) A child in care 10 hours must have the chance to play outside at least two hours a day if weather is good. A child in care for five hours should play outside at least one hour. Outside play can be taken at different times of the day.]

(2)(4) *Outdoor and indoor periods for active and quiet activities and individual and group activities.*

(b) (No change.)

.024. Discipline and Guidance.

(a) Discipline and guidance must be consistent with an understanding of the child's needs and development and must promote self-discipline and acceptable behavior.

(b)(a) There must be no cruel, harsh, or unusual punishment of children in care. No child of any age can ever

be shaken or hit, and no child under five years old can ever be spanked. If the director believes that it is necessary to spank children who are past their fifth birthday, there must be a statement on file at the home that it is the home's policy to permit physical punishment. The statement of the rules which the home has adopted concerning the administration of physical punishment must include that spanking can be done only with a care giver's open hand on a child's buttocks. Each incident must be documented in the records. The home must inform parents of the policy, in writing, and must have parents' signed approval.

(c)(b) Brief, supervised separation from the group may be used when necessary *but no child must be placed alone in a locked room.*

(d)(c) Children must not be shamed or spoken to with profane or abusive language, denied food, or put to bed as punishment, or punished for poor toilet habits.

(d) A child must not be placed alone in a locked room.

.025. Infant and Toddler Care.

(a) (b) (No change.)

(c) *Infants must be talked to and played with by the staff and must be taken from the cribs each morning and afternoon to spend some time exploring on their own.* Infants who do not climb must have cribs or baby beds.

(1) Each infant must have his or her own sleeping equipment.

(2) Cribs or baby beds must have a waterproof mattress with a sheet.

(3) Children under 18 months who can walk, crawl, or climb may sleep on a low cot or mat if they will stay on it.

(d) *An infant, while awake, may remain in the crib as long as he or she is content, but no longer than one hour at a time.* Infants must be fed according to a plan provided by parents or physician.]

(e) Infants under six months old must be held while being bottle fed. [Bottles must not be propped.] Infants over six months must be held if their personal needs require it. *Bottles must not be propped.*

(f) *If the child eats very little, the problem must be discussed with the parents.* Infants no longer held for feeding must have a definite place for eating. If high chairs are used, they must have a wide base and safety strap.]

(g) *Infants no longer held for feeding must be fed in a manner which ensures their safety and comfort.* [An infant's soiled diapers must be changed promptly.]

(1) The infant must be placed on a fresh washable or disposable covering.

(2) Individual washcloths and towels, or disposable towelettes must be used to clean and dry the child's buttocks.

(3) Clean disposable diapers or clean cloth diapers must be used.

(4) Soiled or wet cloth diapers must be promptly rinsed in the toilet and put in a plastic bag or covered container that is cleaned daily.]

(h) *Soiled or wet diapers must be changed promptly in a sanitary and safe manner.*

(1) *The child must be placed on a clean washable surface or a surface with a clean disposable covering.*

(2) *Individual washcloths and towels or disposable towelettes must be used to clean the child.*

(3) *Soiled or wet cloth diapers must be promptly rinsed in the toilet. All used diapers must be put in a plastic bag or covered container that is cleaned daily.*

[Staff caring for infants must practice good health habits. Staff must wash their hands before feeding an infant, and before and after changing a diaper.]

(1) Stimulation must be regularly provided the infant in many ways

(1) Infants must be talked to and played with by the staff

(2) Infants must be taken from their cribs each morning and afternoon to spend some time exploring on their own

(3) Each infant must spend some time outside when the weather is good

(4) An infant, while awake, may remain in the crib as long as he or she is content but not longer than one hour

(5) Children must be encouraged, but not forced, when being toilet trained

028 Evening and Night Care

(a) When a group day care home offers evening and night care, it must comply with *any fire health regulations* [the standards for *the type of care* (these programs)]

(b)(1) Staff members must be awake until all children are asleep *and must provide for the special needs of children in evening or night care.*

(2) An emergency evacuation plan for fires or emergencies must include a means for getting sleeping children up and out of the house.

(3) All required fire and safety standards must be met

(b) A program must provide for the special need of children in evening or night care

(1) Children arriving in the daylight hours must have time, in good weather, for outdoor play. Older children must have time for reading, studying, or homework.

(2) Children must be quieted down in preparation for sleep. Stories, television programs, and other activities must suit the child's age and help him or her relax

(3) The director must set a reasonable bed time based on the needs of each child. Children who are present for only a part of the evening must be allowed to sleep

(c) Children in evening and night care must have an evening or night routine with the necessary equipment

(1) An evening meal must be served and children spending the night must be served breakfast

(2) Drinking water must be available to children during the night

(3) Sleeping rooms must not be totally dark.

(c)(4) Children must be able to take a bath [Hot water must be available]. When bath tubs or showers are used, preschool age children must be closely watched. *Privacy must be assured for school age children.* [School age children may be allowed and encouraged to bathe themselves.] Fresh water must be given to each child, and tubs or showers cleaned after each use. Children must be given fresh washcloths and towels. [Privacy must be ensured for school age children.]

(d)(5) Children in evening or night [children in night care must be given a bed with a mattress and pillow.] care must be given a bed or cot, [with] a mattress, and pillow. The size of these must fit the age and size of the child.

(1)(A) Pillows and mattresses must have *washable protective coverings* [fitted plastic coverings].

(2) *Each child must have his or her own clean linens and cover.*

(B) *Two sheets and a pillow case must be on each bed and changed once a week, or when needed.*

(C) If beds or cots are used by different children, linens must be changed and laundered before being used by other children

(D) Bedwetters must have linens changed each time they wet

(E) At least one cover must be available for each child

(F) Beds or cots must be arranged at least two feet apart

(6) The group day care home must see that each child in night care has

(A) Night clothing

(B) A toothbrush marked for identification.

(C) A container or case for these items.]

029. *Water Activities* [Activities that involve playing in or with water must be closely watched.]

(a) [When sprinklers, hoses, or small pans of water are used for play, a staff member must supervise]

(b) [When a splashing pool [less than six inches deep] or wading pool [less than two feet deep] is in use, the following applies]

(1) The pool must be drained and cleaned after each use, and maintained according to local regulations and the standards of the Texas Department of Health [Resources]

(2) When pools are not in use, they must be stored where children cannot *reach* [get to] them

(3) One staff member *with knowledge of water safety practices* must supervise at all times. When children under four are in the water, two staff members must supervise

(4) A staff member with knowledge of water safety practices must supervise the children.]

(b)(c) [When a swimming pool [more than two feet deep] is used, the following applies]

(1) *At the group day care home, pools* [(t) must be enclosed by a fence at least six feet high and built so children cannot climb over it. The gate must be locked at all times when the pool is not in use. Machinery rooms near *all pools* [(the pool)] must be locked

(2) *All* [Existing] pools must [meet and] be maintained according to standards of the Texas Department of Health [Resources] and local regulations

(3) [New pools must be built in accordance with Texas Department of Health [Resources] "Design Standards for Public Swimming Pool Construction"]

(4) Enough lifesaving equipment must be on hand to cover the area and number of children involved

(4)(5) In addition to other staff, [A certified lifeguard must be on duty *at all times and cannot be counted in the staff-child ratio.*

030. Transportation.

(a) When a group day care home provides transportation, children must be *seated safely when the vehicle is in motion* [protected].

(a) Vehicles used to transport children must be in safe operating condition and in compliance with state and local laws.

(b) Drivers must abide by state and local driving laws.

(c) Children must be seated safely when the vehicle is in motion.]

(b)(d) Children must enter and leave a vehicle only on (a) the curb side or in a protected parking area or driveway.

(e) There must be signed and dated transportation permits for children who are to be driven by the group day care home staff.

(c)(f) A first aid kit must be on hand in all vehicles regularly transporting children.

(d)(g) Children must not be transported in the open backs of back of open trucks.

031 Glossary

(a)(e) (No change)

(f) Consultative services for children needing special care qualified consultants include psychologists, special education counselors, educational diagnosticians, special education supervisors, teachers certified by the Texas Education Agency to teach mentally retarded or emotionally disturbed children, pediatricians, licensed registered nurses, child psychiatrists, and specially trained ACSW social workers. Consultants may be found in state schools and mental hospitals, centers operated by the Department of Mental Health and Mental Retardation, human development centers, public school special education departments, and the state listing of certified psychologists. Copies of "Roster, Texas State Board of Examiners of Psychologists" can be found in local State Department of Public Welfare offices or can be ordered from the Business Management Division, State Office.

(g) (No change)

(h) Department—department is used in this document to refer only to the Texas Department of Human Resources.

(i)(h) Direct child care—the supervision, guidance, and care of children as opposed to food service, janitorial, or administrative functions.

(j)(i) Enrollment—the children registered with the group day care home. (Not to be confused with attendance.)

(k)(j) Evening care and night care—care given to children who are starting or continuing their night sleep or to children who do not spend the entire night at the home.

(l)(k) Group child care—caring for seven or more children.

(m) Health certificate—any one of the following will meet compliance with the requirement for a health certificate:

(1) Health card signed by a licensed physician within the past 12 months;

(2) Food handlers card signed by a licensed physician within the past 12 months;

(3) TB test report signed by a licensed physician within the past 12 months;

(4) Any other statement signed by licensed physician within the past 12 months.

(n)(l) Health personnel—a licensed physician, registered nurse, or a person providing preventive, diagnostic, or therapeutic medical care in the community.

(o)(m) Infant—an infant is a child under 18 months old.

(p) Night care—care given to children who spend the night at the facility.

(q)(n) Parent—whenever "parent" occurs in these standards, it is considered to include parent, legal guardian, or managing conservator.

(q)(p) Provisional license—a license issued by the Texas [State] Department of Human Resources [Public Welfare] to a home whose plans meet the department requirements, but which is (1) not operating, (2) not licensed for the location stated in the application, or (3) changing ownership.

(r)(q) School age care—care offered to children between five (before September of that school year) and 14 (18) years old.

Doc. No. 795602

326.90.07.026, .033

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

The repeal of Rules 326.90.07.026 and .033 is proposed under the authority of the Human Resources Code, Chapter 42.

026 School Age Care

033 Temporary Exemptions

Doc. No. 795603

Support Documents 326.90.99

The Texas Department of Human Resources proposes to amend its rule which adopts by reference the tables, "Kinds of Foods to Be Served" and "Amounts of Foods to Be Served." These tables apply to certain of the day care facilities regulated by the department. That table which lists the amounts of foods to be served has been altered to eliminate information regarding the total amount needed to meet two thirds of daily nutritional needs. This rule change, regarding amounts of food to be served in day care facilities, is a part of this reorganization and reduction of standards.

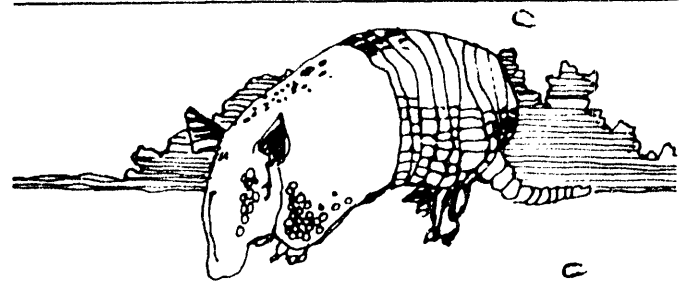
This rule change is proposed under the authority of the Human Resources Code, Chapter 42.

600 Kinds and Amounts of Foods to Be Served The Department of Human Resources (Public Welfare) adopts by reference the tables titled "Kinds of Foods to Be Served to Meet Nutritional Needs," as amended.

Issued in Austin, Texas, on August 29, 1979.

Doc. No. 795604 Jerome Chapman
Commissioner
Texas Department of Human Resources

Proposed Date of Adoption: November 5, 1979
For further information, please call (512) 475-4601



State Board of Insurance

Rating and Policy Forms

Fixing Rate of Automobile Insurance 059.05.01

The State Board of Insurance proposes to amend Rule 059.05.01.001, which adopted by reference the Rules and Rates Governing the Insuring of Automobiles and Standard Endorsements. The amendments proposed are attached and incorporated herein by reference.

The board is proposing to adopt two new amendatory endorsements, one for the family automobile policy, Endorsement Form 192, and one for the automobile physical damage insurance (fleet and nonfleet), Endorsement Form TX-10-91, to increase the limits of liability for rental reimbursement due to theft under the supplementary payments provisions of such forms to \$15 per day and \$450 total in lieu of \$10 per day and \$300 total.

The board is also proposing to amend Endorsement Form 189, rental reimbursement—family automobile policy, and Endorsement Form TX-03-19, rental reimbursement—covered automobiles, to increase the limits of liability to \$15 per day and \$450 total in lieu of \$10 per day and \$300 total.

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

Public comment on the proposed amendment to Rule .001 is invited and may be submitted in writing to D. E. O'Brien, State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

This amendment is proposed under the authority of Article 5.06 of the Texas Insurance Code.

.001. Rules and Rates Governing the Insuring of Automobiles and Standard Endorsements. The State Board of Insurance adopts by reference the attached Rules and Rates Governing the Insuring of Automobiles and Standard Endorsements as amended in *November* [August] 1979. This document is published by and available from the Texas Automobile Insurance Service Office, Suite 350, American Bank Tower, 221 West Sixth Street, Austin, Texas 78701, or the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

Doc. No. 796026

Policy Forms and Endorsements 059.05.06.001

The State Board of Insurance proposes to amend Rule 059.05.06.001, which adopted by reference the Standard Provisions for Automobile Policies written on and after October 1, 1974. The amendment is attached and incorporated herein by reference.

The proposed amendment is the adoption of an amendatory Endorsement Form TX-10-91 which amends the supplementary payments—rental reimbursement due to theft of an automobile portion of the automobile physical damage insurance (fleet and nonfleet) to increase the limits of liability to \$15 per day and \$450 total in lieu of \$10 per day and \$300 total.

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

Public comment on the proposed amendment to Rule .001 is invited and may be submitted in writing to D. E. O'Brien, State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

This amendment is proposed under the authority of Article 5.06 of the Texas Insurance Code.

.001. Standard Provisions for Automobile Policies Written on and after October 1, 1974. The State Board of Insurance adopts by reference the attached Standard Provisions for Automobile Policies written on and after October 1, 1974, as amended in *November* [April] 1979. This document is published by and available from the Texas Automobile Insurance Service Office, Suite 350, American Bank Tower, 221 West Sixth Street, Austin, Texas 78701 or *State Board of Insurance, 1110 San Jacinto, Austin, Texas, 78786.*

Doc. No. 796027

059.05.06.002

The State Board of Insurance proposes to amend Rule 059.05.06.002, which adopted by reference the Standard Provisions for Automobile Policies written on and after April 1, 1955. The amendment is attached and incorporated herein by reference.

The proposed amendment is adoption of an amendatory Endorsement Form 192 which amends the family automobile policy physical damage supplementary payments provisions—transportation expenses reimbursement for theft of an automobile—to increase the limits of liability to \$15 per day and \$450 total in lieu of \$10 per day and \$300 total.

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

Public comment on the proposed amendment to Rule .002 is invited and may be submitted in writing to D. E. O'Brien, State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

This amendment is proposed under the authority of Article 5.06 of the Texas Insurance Code.

.002. Standard Provisions for Automobile Policies Written on and after April 1, 1955. The State Board of Insurance adopts by reference the attached Standard Provisions for Automobile Policies written on and after April 1, 1955, as amended in *November* [April] 1979. This document is published by and available from the Texas Automobile Insurance Service Office, Suite 350, American Bank Tower, 221 West Sixth Street, Austin, Texas 78701, or *State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.*

Issued in Austin, Texas, on September 10, 1979.

Doc. No. 796028 Pat Wagner
 Chief Clerk
 State Board of Insurance

Proposed Date of Adoption: October 19, 1979
 For further information, please call (512) 475-3486.

Texas State Board of Registration for Professional Engineers

Practice and Procedure

Engineers' Seals 383.01.09

The Texas State Board of Registration for Professional Engineers proposes to amend Rule 383.01.09.008, concerning engineers' seals. The proposed rule change would allow a registrant to use the first and/or middle name or the initials thereof, or the usual written signature, on the seal.

The staff of the Board of Registration for Professional Engineers anticipates that this change to the rule will have no fiscal implications for state or local government.

Public comment on the proposed change to Rule .008 is invited. Comments may be submitted by telephoning the executive director, Donald C. Klein, P.E., at (512) 475-3141, or by writing to him at Room 200, Reagan Building, 1400 Congress, Austin, Texas 78701.

This change to Rule .008 is proposed under the authority of Section 8, Article 3271a, Vernon's Annotated Texas Statutes.

.008. Engineers Seals. Seals of two different sizes will be acceptable, a pocket seal the size commercially designated as 1-5/8 inch seal, or a desk seal, commercially designated as a two-inch seal, to be of the design shown.

(Editor's note: Illustrations of the seals will not be published. The illustrations are filed with the rule and may be examined in the office of the Texas State Board of Registration for Professional Engineers, John H. Reagan Building, Austin, or the office of the Texas Register Division, 503E Sam Houston Building, Austin.)

(1) *The use of the first and/or middle name or the initials thereof is at the discretion of the registrant, provided the surname of the registrant appears on the seal.* [The surname of the registrant must appear on the seal. The use of the first and/or middle name or the initials thereof is at the discretion of the registrant.]

(2)-(7) (No change.)

Issued in Austin, Texas, September 10, 1979.

Doc. No. 795969 Donald C. Klein, P. E.
Executive Director
Texas State Board of Registration
for Professional Engineers

Proposed Date of Adoption: October 19, 1979
For further information, please call (512) 475-3141.

State Board of Veterinary Medical Examiners

Professional Conduct 405.02.00.023

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the office of the State Board of Veterinary Medical Examiners, Capital National Bank Building, Austin, or the offices of the Texas Register Division, 503E Sam Houston Building, Austin.)

The State Board of Veterinary Medical Examiners is proposing to revoke Rule of Professional Conduct 405.02.00.023, entitled Advertising of Services, Facilities, Training, or Fees, and substitute a new rule therefore. The proposed new Rule 405.02.00.029 more specifically defines advertising and those practices which are permitted in accordance with recent court rulings.

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

Written comments are invited and may be sent to T. D. Weaver, executive secretary, State Board of Veterinary Medical Examiners, 603 Capital National Bank Building, Austin, Texas 78701 within 30 days of publication in this register.

This amendment is proposed under authority contained in Section 8 of Article 7465a, Vernon's Annotated Texas Statutes.

.023. Advertising.

Doc. No. 795992

405.02.00.029

The State Board of Veterinary Medical Examiners is proposing to revoke Rule of Professional Conduct 405.02.00.023, entitled Advertising of Services, Facilities, Training, or Fees, and substitute a new rule therefore. The proposed new Rule .029 more specifically defines advertising and those practices which are permitted in accordance with recent court rulings.

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

Written comments are invited and may be sent to T. D. Weaver, executive secretary, State Board of Veterinary Medical Examiners, 603 Capital National Bank Building, Austin, Texas 78701, within 30 days of publication in this Register.

This amendment is proposed under authority contained in Section 8 of Article 7465a, Vernon's Annotated Texas Statutes.

.029. Advertising.

(a) Definitions:

(1) "Advertising" means newspaper, magazine, and periodical announcements and listings; professional cards; professional announcement cards; office and other signs; letterheads; telephone and other directory listings; and any other form of communication designed to inform the general public about the availability, nature, or prices of products or services or to attract clients.

(2) "Solicitation" means advertising intentionally directed to specific individuals.

(b) Prohibitions. A veterinarian shall not, on behalf of himself his partner, his associate, or any other veterinarian:

(1) seek to attract clients as a private practitioner (a) by any form of solicitation through the exertion of undue influence, pressure for an immediate response, intimidation, or overreaching; or (b) if any nonclient has given the veterinarian notice that he does not want to receive communications from the veterinarian; or

(2) use or participate in the use of any form of advertising or solicitation which contains a false, deceptive, or misleading statement or claim.

(c) Particular acts, statements, or situations constituting "false, deceptive, or misleading claim." A "false, deceptive, or misleading statement or claim" includes without limitation a statement or claim which:

(1) contains a prediction of future success or guarantees that satisfaction or a cure will result from the performance of professional services;

(2) contains a testimonial about or endorsement of a veterinarian or a combination of a veterinarian's name or photograph and his identity as a veterinarian as part of a testimonial, endorsement, or sales promotion of a veterinary or nonveterinary product or service except that this prohibition does not apply to endorsements of valid, nonprofit charitable organizations whose purpose is to promote veterinary medicine and animal health;

(3) refers to secret methods of treatment or special services which characterize the ways of a charlatan;

(4) concerns illegal transactions;

(5) is not identified as a paid advertisement or solicitation unless it is apparent from the context that it is a paid advertisement or solicitation;

(6) contains statistical data or other information based on past performance or case reports;

(7) contains a statement of opinion as to the quality of professional services or a representation regarding the quality of professional services which is not susceptible of verification to the public;

(8) states or implies that a veterinarian is a certified or recognized specialist unless he is board certified in such specialty;

(9) is intended or is likely to create an inflated or unjustified expectation;

(10) contains a material misrepresentation of fact;

(11) omits to state any material fact necessary to make the statement not misleading in light of the circumstances under which it is made;

(12) would result in the violation of any law or regulation or a contractual or other obligation of any person through whom the veterinarian seeks to communicate;

(13) contains a representation or implication that is likely to cause an ordinary prudent layperson to misunderstand or be deceived or fails to contain reasonable warnings or disclaimers necessary to make a representation or implication not deceptive; or

(14) relates to professional fees other than:

(A) a statement of the fixed fee charged for a specific professional service, provided that the description of such service would not be misunderstood or be deceptive and that the statement indicates whether additional fees may be incurred for related professional services which may be required in individual cases;

(B) a statement of the range of fees for specifically described professional services, provided that there is reasonable disclosure of all relevant variables and considerations affecting the fees so that the statement would not be misunderstood or be deceptive including without limitation an indication whether additional fees may be incurred for related professional services which may be required in individual cases.

(d) Advertising time requirements. Any advertisement of price for routine veterinary services permitted under board

rule shall be valid and binding on the advertising veterinarian for not less than six months following the date it is last offered, and the veterinarian offering same shall honor all client requests for such veterinary service made by veterinary clients within the six-month period following the last date such advertisement was presented to the public unless there is contained in the advertisement a specific time limitation on the availability of the service or product at the advertised price; further, all such services must be completed within a reasonable time from the first patient appointment or such patient's request for veterinary service.

Doc. No. 795993

Practice and Procedure 405.03.00

The Texas State Board of Veterinary Medical Examiners is proposing to adopt Rule 405.03.00.020. It is the opinion of the board that the present witness or deponent fee is insufficient to insure the attendance and cooperation of knowledgeable parties who are necessary to aid the Board in the enforcement of the laws of Texas pertaining to veterinary medicine.

This fiscal implication applies to required travel and overnight stay and is estimated to be \$2,000 per year for 5 years (\$10,000).

Those desiring to comment upon this proposed amendment should direct their comments in writing to the Texas State Board of Veterinary Medical Examiners, 603 Capital National Bank Building, Austin, Texas 78701.

This amendment is proposed under the authority of Section 7 of Article 7465a of Vernon's Annotated Texas Statutes.

.020. Subpoena Fees and Expenses of Witnesses.

(a) A witness or opponent who is not a party and who is subpoenaed or otherwise compelled to attend any hearing or proceeding to testify or to give a deposition or to produce books, records, papers or other objects that may be necessary and proper for the purposes of the proceeding under the authority of this statute is entitled to receive:

(1) mileage of \$.16 per mile if by private car, actual train or bus fare, or economy air fare, for going to and returning from the place where the deposition is taken if the place is outside the city, town, village or area of such person's residence;

(2) a fee of \$25 a day for each day or part of a day the person is necessarily present as a witness or opponent; further, such person is entitled to be paid an additional fee not to exceed \$50 for required overnight lodging;

(3) fees to which a witness or opponent is entitled under this section shall be paid by the agency from the funds deposited by the party or agency at whose request the witness appears or the deposition witnesses and approved by the agency.

Issued in Austin, Texas on September 10, 1979.

Doc. No. 795994

T. D. Weaver
Executive Secretary
State Board of Veterinary Medical
Examiners

Proposed Date of Adoption: October 19, 1979

For further information, please call (512) 475-3933.

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.

An agency, on request, shall provide a statement of the reasons for and against adoption of a rule. Any interested person may request this statement before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling considerations urged against the agency's decision.

Numbering System—Each rule is designated by a unique 10-digit number which is divided into four units by decimal points. The first unit (three digits) indicates the agency which promulgates the rule. The second unit (two digits) indicates the chapter of rules to which the rule belongs. The third unit (two digits) indicates the subchapter of rules, if any, within the chapter. The fourth unit (three digits) indicates the individual rule.

Texas Education Agency

School Districts

School District Responsibilities and Powers for Operation 226.23.06

The Texas Education Agency has repealed Rule 226.23.06.110, concerning use of the quarter system. Under House Bill 508, 66th Legislature, school districts must return to the semester system, beginning with 1980-81 school year. Provisions for implementation of the semester system can be found in Rules 226.41.03.044 and 226.41.04.010.

Public review and discussion of the proposed repeal were held.

This repeal is effected under the authority of Section 21.008, Texas Education Code.

Doc. No. 796029

Foundation School Program

Purpose of the Foundation School Program 226.41.01

The Texas Education Agency has amended Rule 226.41.01.010, concerning the goal of the Foundation School Program. The amended rule tracks revision in the Texas Education Code as a result of Senate Bill 350, 66th Legislature.

Public review and discussion of the proposed rule were held. The rule is adopted with no change from the text as proposed.

This rule is promulgated under the authority of Sections 16.001 and 16.005, Texas Education Code.

.010. Goal.

(a) Policy. It is the goal of the Foundation School Program to provide a thorough and efficient system, substantially financed through state revenue sources, so that each "student enrolled in the public school system shall have ac-

cess to programs and services that are appropriate to his or her educational needs and that are substantially equal to those available to any similar student, notwithstanding varying local economic factors." (Section 16.001, Texas Education Code)

(b) (No change.)

Issued in Austin, Texas, September 12, 1979.

Doc. No. 796030 A. O. Bowen
Commissioner of Education

Effective Date: October 3, 1979

Proposal Publication Date: August 7, 1979

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

Employees Retirement System of Texas

Uniform Group Insurance Program 335.80.00

The Board of Trustees of the Employees Retirement System of Texas has adopted amendments to Rules 335.80.00.109, .115, and .117. No changes were made from the proposed amendments.

These rule amendments have been adopted pursuant to authority of the Texas Insurance Code, Article 3.50-2, Section 4(h).

.109. Group Insurance Definitions. Unless a different meaning is clearly required by the context, the following words and phrases as used in these rules and in the Act shall have the following meanings:

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

(3) "Basic plans" refer to the basic plan for retired employees. "Basic plan" refers to the highest level of hospital and medical care coverages for which an employee or retired employee is eligible under the current Employees Uniform Group Insurance Program, and for which the premium is paid wholly by the state or the employing department.

(4) (No change.)

.115. Leave of Absence without Pay.

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

(c) Any person certified to be in a leave without pay status may continue to participate, subject to the following conditions:

(1) Such person shall be ineligible for state or department contribution and must pay the entire premium when due each month in accordance with the procedures adopted by the trustee.

(2) Such person is eligible for hospital and medical care coverage, term life, and accidental death and dismemberment insurance, at the same or a lesser level of coverage as the person last had as an active employee. Disability income protection insurance may be continued by a person in a leave without pay status only until the end of the month in which the person was last an active employee.

(d) (No change.)

.117. Change in Coverage.

(a) An employee or retired employee may reduce coverage by completing the required application. If health insurance coverage is reduced after the 31st day from the day

of enrollment, group health insurance coverage for dependents shall be cancelled. Dependents shall again become eligible for coverage during any open enrollment period for that purpose.

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

Issued in Austin, Texas, on September 11, 1979.

Doc. No. 796016 Joseph N. Murphy, Jr.
Executive Director
Employees Retirement System of
Texas

Effective Date: October 2, 1979

Proposal Publication Date: August 3 & 7, 1979

For further information, please call (512) 476-6431.

Office of the Governor

Criminal Justice Division

State-Federal Relations 001.55.02

The Criminal Justice Division adopts by reference the following Law Enforcement Assistance Administration external directives: Change 4 to Guideline G4340.1A; Change 4 to Manual M4100.1F; Notice N7350.6 which supersedes N7350.4, N7350.3, and N7350.2; Notice N7350.5; and Instruction I4062.2. Two guidelines—M7100.3A and G7100.4—have been canceled and, therefore, have been deleted from the rules. These directives were received by the Criminal Justice Division subsequent to the federally mandated effective dates, hence the abbreviated notice period.

Under the authority of Public Law 90-351, Title I, Omnibus Crime Control and Safe Streets Act of 1968 as amended by Public Law 91-644, Omnibus Crime Control Act of 1970, Public Law 93-83, Omnibus Crime Control Act of 1973, and Public Law 94-503, Crime Control Act of 1976; Public Law 93-415, Juvenile Justice and Delinquency Prevention Act of 1974; Public Law 95-115, Juvenile Justice Amendments of 1977; and rules and guidelines promulgated by the Law Enforcement Assistance Administration, the Criminal Justice Division amends Rule .006 to read as follows:

.006. *LEAA External Directives Adopted by Reference.* The Criminal Justice Division adopts by reference the following LEAA external directives:

(1) Guidelines.

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

(H) (Unassigned.)

(I) G4340.1A, dated October 10, 1974, Variable Pass-Through Classification Procedures and Percentages, as amended by CHG-1, dated August 5, 1976; CHG-2, dated February 23, 1977; CHG-3, dated January 5, 1978; CHG-4, dated March 20, 1979.

(J) (Unassigned.)

(K) (Unassigned.)

(L)-(M) (No change.)

(N) I67100.3A, dated January 28, 1976, Principles for Determining Travel Cost Applicable to LEAA Grants (Unassigned.)

(O)-(U) (No change.)

(V) I67100.4, dated July 14, 1978, Block and Juvenile Justice Formula Grant Administration Requirements (Unassigned.)

(W) G2200.2, dated December 15, 1978, LEAA Implementation of Joint Funding Simplification Act Procedures.

(2) Guideline manuals.

(A) (No change.)

(B) M4100.1F, dated January 18, 1977, State Planning Agency Grants, as amended by CHG-1, dated May 20, 1977; CHG-2, dated January 5, 1978; CHG-3, dated July 25, 1978; CHG-4, dated February 23, 1979.

(C)-(E) (No change.)

(F) I67380.1, dated August 18, 1976, LEAA Guidelines for the Excess Federal Personal Property Program (Unassigned.)

(3) Notices.

(A) (No change.)

(B) N7350.6, dated July 24, 1979, Principles for Determining Travel Costs Applicable to LEAA Grants.

(C) N7350.5, dated June 26, 1979, Disposition of Discount Fare Coupons and Other Promotional Gratuities.

(D) I4062.2, dated April 2, 1979, Coordination of OCJP Discretionary Grant Activities and Awards with State Planning Agencies (SPAs), Regional Planning Units (RPUs), and Local Units of Government.

A copy of each of these directives is available for inspection at the Criminal Justice Division, 411 West 13th, Room 1104, Austin, Texas.

Issued in Austin, Texas, on August 28, 1979.

Doc. No. 795999 James B. Adams
Executive Director
Criminal Justice Division

Effective Date: effective dates of directives

Proposal Publication Date: N/A

For further information, please call (512) 475-6065.

Texas Department of Human Resources

Food Stamps

Replacement Procedures 326.15.74

The Texas Department of Human Resources has withdrawn from consideration amendments to Rule 326.15.74.008, Replacing Lost or Stolen ATPs. The amendments were published in the August 28, 1979, issue of the *Texas Register* (4 TexReg 3074).

Issued in Austin, Texas, on September 11, 1979.

Doc. No. 796017 Susan L. Johnson, Assistant Chief
Systems and Procedures Bureau
Texas Department of Human Resources

Filed: September 11, 1979, 4:21 p.m.

For further information, please call (512) 475-4601.

Organization, Administration, and Management

Support Documents 326.51.99

The Department of Human Resources (DHR) adopts the amendment to its rule which adopts by reference the Title XX Comprehensive Annual Services Program Plan (CASPP) for

Texas for the services program year October 1, 1979, through September 30, 1980, as proposed in the May 11, 1979, issue of the *Texas Register* (4 TexReg 1708).

The Texas Department of Human Resources is mandated by the legislature to provide medical, financial, and social services for children, adults, and low income families in Texas. Title XX of the Social Security Act is DHR's major source of federal funds for social services.

Title XX services are combined with other DHR programs such as Medicaid, Long-Term Care, Financial Assistance, and Food Stamps to provide a comprehensive services system which enables individuals to function in their communities as self-sufficiently as possible.

This proposed Title XX Comprehensive Annual Services Program Plan (CASPP) shows how the funds appropriated by the 66th Texas Legislature for the 1980 program year will be provided. The CASPP describes in detail the services to be provided in each of the state's geographic areas and how DHR gains input from staff and citizens in every Texas community in order to develop social services aimed at specific needs and to establish priorities for limited available money.

During the public comment period, 47 letters commenting on the proposed plan were received, and approximately 60 persons testified at public hearings held in DHR regions and in Austin.

The following summarizes the comments and DHR's responses.

(a) General information.

(1) Client eligibility.

Recommendation: Income eligibility for services should be kept at 60% of the state median income.

Response: Because of the increase in the state median income in 1980, maintaining the income eligibility criteria at the 60% level would increase the income eligibility for a family of four from \$10,452 a year to \$11,358. Persons who attended the Title XX public meetings indicated that the income limit should not exceed 47% of the state median income (\$9,000) for family planning, employment, and emergency family services. For day care services and services for aged, blind, and disabled adults, most respondents felt the income limits should not exceed 57% (\$10,972) and 54% (\$10,222) respectively.

If income eligibility were reduced to the 47% level, many clients eligible for services in 1979 would be denied service in 1980. If the level were raised significantly above the 1979 level, many additional persons would be eligible. Based on overall citizen response and a desire to minimize disruption in service to persons eligible during 1979, the income eligibility for most services is set at 56% of the state median income. For alternate care for aged, blind, and disabled adults (ABD), the upper income limit is set at 70% of the state median income. This will allow most persons who would be eligible for the Title XX nursing home program to be eligible for ABD services.

(2) Fees for services.

Recommendation: A specific range of fees rather than a percentage of fees would allow day care directors more flexibility in adjusting fees to handle crises.

Response: Federal regulations require that fees for services be specifically described in the CASPP. Thus an example of

the maximum fee charges is included. The policy does, however, give day care providers the maximum amount of flexibility allowed under Title XX in the administration of fees.

(3) Citizen participation and public review.

Recommendation: Advisory committees should be established in every region to give citizens a better understanding of DHR's programs and funding constraints.

Response: Each region has responsibility for determining how citizens will be involved in decisions on planning and delivering services. Several regions use advisory committees. Others use such methods as public meetings, hearings, and special ad hoc committees to obtain citizen input. Citizens interested in participating in regional DHR decision-making processes should contact the regional administrator.

(b) Definition of services.

Recommendation: There is a need for Title XX funds to be used for spouse-abuse victims and their children. Funds should be used mainly for a shelter to house victims and provide counseling.

Response: The final CASPP includes a new service called family violence service, made possible by a special bill passed by the legislature and approved by the governor. The service includes counseling to victims of family violence. Room and board may also be provided on a limited basis.

Recommendation: Title XX providers should be authorized to provide family care services. The proposed CASPP states that a provider of family care services must be a Title XVIII or XIX provider.

Response: Family care services are often closely related to Title XVIII and XIX medical and personal care services. Requiring family care providers to be either Title XVIII or XIX-certified is to enhance coordination among Titles XVIII, XIX, and XX services. The requirement also will encourage the use of Title XIX personal care resources and thus lessen the drain on limited Title XX funds.

Recommendation: DHR should reconsider its decision to phase out health assessment services. The service is necessary to meet client health needs.

Response: In response to public comment, health assessment services will be provided on a limited basis during the 1980 program year.

Recommendation: Case management should be eliminated as a separate service because it appears to be a method of hiding administrative costs.

Response: The provision of ABD services always has involved casework activities including but not limited to client needs assessment, development of a service plan, follow-up and service monitoring. Defining these activities as a separate service allows for better accounting of services provided ABD workers. Funds shown in the CASPP for case management are a re-allocation of casework staff costs previously associated with other ABD services. This does not represent a decrease in funds for service delivery.

Recommendation: Community services should be eliminated because it is unclear how they benefit DHR clients.

Response: Community services as defined in the CASPP allow for a wide range of services to persons with mental health and mental retardation problems. A major portion of the resources for these services is used to provide protective services for children and adults through contracts with community mental health and mental retardation centers across the state. The contracts have been valuable in providing psychological testing and psychotherapy in adult and child pro-

protective services cases. Community services will continue to be provided during the 1980 program year.

(c) Catalog of services.

Recommendation: Developmental day care should be reinstated in the CASPP as a priority.

Response: Although the CASPP continues to allow day care for children who need developmental assistance, it remains a relatively low priority. This is consistent with public comment received at the Title XX regional public meetings.

(d) Statewide expenditures.

Recommendation: Many commentators (mainly from Region 5) expressed concern over the omission of Title XX funds for adult foster care.

Response: The final CASPP includes funding for ABD foster care.

Recommendation: Representatives of agencies and organizations for blind citizens urged the department to continue allocating Title XX funds for services to the blind.

Response: The department will continue its Title XX contract with the State Commission for the Blind.

Recommendation: Additional funding was requested for family planning, protective services to abused and neglected children, Title XX in-home care, Title XX day care services, homemaker services, chore services, family care services, and emergency family services.

Response: Program allocations shown in the final CASPP are based on the department's 1980-81 appropriations bill by the legislature and approved by the governor. Major increases or decreases in program funds are determined through the legislative process.

Explanation of Differences between Proposed and Final CASPP:

(a) General information.

(1) Organizational structure. Organizational charts have been updated. The name of the Community Care for the Aged, Blind, and Disabled Adults Program has been changed to alternate care for aged, blind, and disabled adults. This change is in response to legislative directive.

(2) Clients to be served and income eligibility criteria. The income eligibility criteria for all programs, except alternate care for aged, blind, and disabled adults (ABD), is set at 56% of the state median income instead of 60%. Because of the increase in the state median income, persons eligible under the 1979 program year criteria will continue to be eligible for services during the 1980 program year. The upper limit of the income criteria for the ABD Program is changed from 80% to 70% of the state median income. This will allow services to be provided to clients with the greatest need.

(3) Fees for services. A sample fee schedule is included for child day care.

(4) Planning, needs assessment, and evaluation. These sections have been updated to describe intensified needs assessment efforts. A separate section has been added to describe the criteria used to allocate program funds to the regions.

(b) Definitions of services. The definitions of permanent planning, protective community resources, and alternative living plans have been revised to describe more specifically the activities included in these services. Family violence service has been added as a separate service. This service was made possible by a special appropriation passed by the legislature.

(c) Statewide and regional expenditures.

(1) Estimates in the proposed CASPP of program expenditures and clients to be served were based on the Legislative Budget Board recommendation for social services funding. The figures in the final CASPP are based upon the actual appropriations passed by the legislature and approved by the governor. With the exception of state contracts, every program received some increase in funds. Most increases, however, are slight. Only the ABD Program received a major increase amounting to approximately \$13 million. The AFDC special services also received a significant increase in funds, approximately \$8.6 million. State contracts received approximately a \$1 million decrease.

(2) The descriptions of the eligibility criteria for ABD, rehabilitation, and community services have been clarified. The ABD eligibility criteria has been simplified to include fewer eligibility categories.

(3) The list of Title XX contract agencies has been updated to include those contracts in effect as of July 1, 1979.

This amendment has been approved by the Texas Board of Human Resources and is adopted under the authority the Human Resources Code, Chapter 42.

.003. Title XX Comprehensive Annual Services Program Plan. The Department of Human Resources adopts by reference the Title XX Comprehensive Annual Services Program Plan for Texas for the services program year October 1, 1979, to September 30, 1980.

Issued in Austin, Texas, on September 10, 1979.

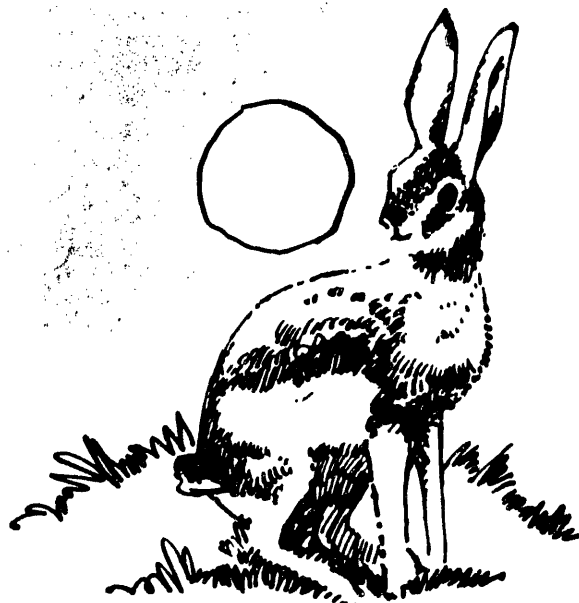
Doc. No. 795958

Jerome Chapman
Commissioner
Texas Department of Human Resources

Effective Date: October 1, 1979

Proposal Publication Date: May 11, 1979

For further information, please call (512) 475-4601.



The Open Meetings Act (Article 6252-17, Texas Civil Statutes) requires that an agency with statewide jurisdiction have notice posted for at least seven days before the day of a meeting. A political subdivision covering all or part of four or more counties, or an institution of higher education, must have notice posted for at least 72 hours before the scheduled meeting time. Notice of an emergency meeting or an emergency addition or amendment to an agenda must be posted for at least two hours before the meeting is convened. Although some notices may be received and filed too late for publication before the meetings are held, all filed notices will be published in the *Register*. Each notice published includes an agenda or a summary of the agenda as furnished for publication by the agency and the date and time of filing. Notices are posted on the bulletin board outside the offices of the secretary of state on the first floor in the East Wing of the State Capitol. These notices may contain more detailed agendas than space allows to be published in the *Register*.

Texas Alcoholic Beverage Commission

Monday, September 24, 1979, 10 a.m. The Texas Alcoholic Beverage Commission will meet in Room 210, Jefferson Building, 1600 W. 38, Austin. The agenda includes approval of minutes of July 1979, meeting; administrator's report of each division; approval of affidavits of destruction of tested alcoholic beverages.

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

Filed: September 11, 1979, 10:02 p.m.
Doc. No. 795998

Coordinating Board, Texas College and University System

Tuesday, September 25, 1979, 10 a.m. The Public Community College Formula Advisory Committee of the Coordinating Board, Texas College and University System, will meet in Room 2118, Joe C. Thompson Conference Center, 26th and Red River Streets, Austin, to review formula for the 1981-83 biennium for public community colleges in Texas.

Additional information may be obtained from Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, telephone (512) 475-4361.

Filed: September 12, 1979, 1:58 p.m.
Doc. No. 796035

Texas Cosmetology Commission

Sunday, September 16, 1979, 9 a.m. The Texas Cosmetology Commission and the State Board of Barber Examiners met in joint emergency session in Room 221, Lieutenant Governor's Committee Room, Capitol Building, Austin. The meeting included determination of inspection procedures for salons that are dual licensed. The emergency session was warranted because of commission member's problems with airplane reservations.

Additional information may be obtained from Ron Resech, 1111 Rio Grande, Austin, Texas 78701, telephone (512) 475-3300.

Filed: September 11, 1979, 1:43 p.m.
Doc. No. 796013

Office of the Governor

Wednesday, September 26, 1979, 10 a.m. The Governor's Advisory Committee on Education will meet in Room 1000, Region XI Education Service Center, 3001 N. Freeway, Fort Worth. According to the agenda, the committee will hold a public hearing for the purpose of obtaining comments and recommendations from interested citizens regarding specific issues concerning the state elementary and secondary education system. Persons wishing to testify should notify the committee in writing or by telephone prior to the hearing or at the hearing. Persons will testify in the order of receipt by the committee of their request to be placed on the agenda.

Additional information may be obtained from Thomas E. Anderson, Jr., 112 Sam Houston Building, Austin, Texas 78711, telephone (512) 475-0386.

Filed: September 12, 1979, 11:22 a.m.
Doc. No. 796032

Texas Grain Sorghum Producers Board

Tuesday, September 18, 1979, 10 a.m. The Texas Grain Sorghum Producers Board will meet at K-Bob's Steak House, Lubbock. The agenda includes minutes; financial report; research study review; market development report; recognition of processors, 95% or better; review of processor violations. James Deal, general manager of the Federal Crop Insurance Corporation, USDA Washington, D. C., will review the new Federal Crop Insurance Program which is currently being considered.

Additional information may be obtained from Elbert Harp, 1708 A. 15th Street, Lubbock, Texas 79401.

Filed: September 10, 1979, 4:32 p.m.
Doc. No. 795984

State Board of Insurance

Tuesday, September 18, 1979, 10:30 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin, to consider a certificate of authority in regard to GS Life Insurance Company, Houston.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4353.

Filed: September 10, 1979, 3:31 p.m.
Doc. No. 795971

Tuesday, September 18, 1979, 2:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin, to consider an amendment to articles of incorporation, constitution,

and bylaws, pursuant to Texas Insurance Code, Article 17.25, Section 13, in regard to State and County Mutual Fire Insurance Company, Waco.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4353.

Filed: September 10, 1979, 3:31 p.m.
Doc. No. 795972

Wednesday, September 19, 1979, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin, to consider a certificate of authority in regard to American Heritage Life Insurance Company, Dallas.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4353.

Filed: September 10, 1979, 3:32 p.m.
Doc. No. 795973

Wednesday, September 19, 1979, 10 a.m. The State Board of Insurance will meet in Room 408, 1110 San Jacinto Street, Austin, to consider the following: revision of Clause 12; Texas Form 40—compress and/or warehouse liability under insured receipts; and Texas Form 41—baled cotton reporting form.

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

Filed: September 11, 1979, 9:04 a.m.
Doc. No. 795997

Wednesday, September 19, 1979, 10 a.m. The State Board of Insurance made an emergency addition to a meeting to be held in Room 408, 1110 San Jacinto, Austin. The addition concerns petition of Texas Automobile Insurance Service Office for amendment to Automobile Manual Rule 131.

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

Filed: September 13, 1979, 9:17 a.m.
Doc. No. 796046

Wednesday, September 19, 1979, 2 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin, to consider revocation of fire and casualty local recording agent's license, Alfred Ubando, doing business as Ubando Insurance Agency, San Antonio. This hearing was rescheduled from September 20, 1979.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4353.

Filed: September 11, 1979, 3:22 p.m.
Doc. No. 796015

Thursday, September 20, 1979, 9:30 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin, to consider a name protest by Texas Life Insurance Company, Waco, and Republic National Life Insurance Company, Dallas, in regard to Texas Republic Life Insurance Company, Austin.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4353.

Filed: September 10, 1979, 3:32 p.m.
Doc. No. 795974

Thursday, September 20, 1979, 2 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin, to consider revocation of fire and casualty local recording agent's license Alfred Ubando, doing business as Ubando Insurance Agency, San Antonio. This hearing is reopened from August 14, 1979.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4353.

Filed: September 10, 1979, 3:33 p.m.
Doc. No. 795975

Tuesday, September 25, 1979, 10 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin, to consider trust agreements with All America Insurance Company, Central Mutual Insurance Company, Farmers Alliance Mutual, and Alliance Insurance Companies, Southern County Mutual Insurance Company, and Ranger Insurance Company, in regard to First American Insurance Company, Dallas. This hearing was recessed from June 25, 1979.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4353.

Filed: September 10, 1979, 3:33 p.m.
Doc. No. 795976

Texas State Library and Archives Commission

Monday, October 1, 1979, 10 a.m.-4 p.m. The Library Services and Construction Act Advisory Council will meet in Room 202, the Lorenzo de Zavala Archives and Library Building. According to the agenda summary, the council will consider possible changes in criteria for selection of the Library Services and Construction Act; Title III grant proposals; and discussion of proposed goals and objectives for the state library's statewide library development program.

Additional information may be obtained from Raymond Hitt, P.O. Box 12967, Austin, Texas 78711, telephone (512) 475-4119.

Filed: September 13, 1979, 9:16 p.m.
Doc. No. 796047

Texas Department of Mental Health and Mental Retardation

Friday, September 21, 1979, 8:30 a.m. The Personnel Committee of the Texas Board of Mental Health and Mental Retardation will meet at The Pavilion, Corpus Christi State School, 902 Airport Road, Corpus Christi. According to the agenda summary, the committee will consider the approval of appointment of superintendent—Fort Worth State School, and the approval of appointment of director—Laredo State Center for Human Development.

Additional information may be obtained from John J. Kavanagh, M.D., P.O. Box 12668, Austin, Texas 78711, telephone (512) 454-3761.

Filed: September 12, 1979, 4:10 p.m.
Doc. No. 796040

Friday, September 21, 1979, 9:30 a.m. The board of the Texas Department of Mental Health and Mental Retardation will meet in The Pavilion, Corpus Christi State School, 902 Airport Road, Corpus Christi. According to the agenda summary, the board will consider the following items: briefing on the planning of the MH/MR Workshop in Leakey; presentations by Lynda Hill, Fort Worth community volunteer, and Nueces County MH/MR Center; approval of 1980-81 construction funds for repair or replacement of roofs; sale of 53.24-acre tract and of 453.89-acre tract of Rusk State Hospital land; appointments of heads of facilities of MH/MR for Fort Worth State School and Laredo Human Development Center; and proposed revision to board rules, to guidelines for the community centers advisory committees, and rights of mentally retarded clients (302.04.34).

Additional information may be obtained from John J. Kavanagh, M.D., P.O. Box 12668, Austin, Texas 78711, telephone (512) 454-3761.

Filed: September 12, 1979, 4:11 p.m.
Doc. No. 796039

Texas Motor Vehicle Commission

Tuesday, September 18, 1979, 9:30 a.m. The Texas Motor Vehicle Commission will meet in Suite 200, National Building, 815 Brazos Street, Austin, to consider the following: election of commission chairman and vice-chairman; hearing report and final order in Proceeding No. 161—All Star Honda, applicant v. Honda East, protestant; hearing report and final order in Proceeding No. 167—Leonard Underwood, complainant v. Bill Roberts and Roberts Motor Company, respondents; hearing report and final order in Proceeding No. 169—John Roberts BMW, Inc., applicant v. Classic Cars, Inc., protestant; order of dismissal in Proceeding No. 159—Villa Oldsmobile, Inc., complainant v. Oldsmobile Division, General Motors Corporation, respondent; order of dismissal in Proceeding No. 168—Kawasaki of Richardson, applicant v. Amco Cycle, Inc., protestant; order of dismissal in Proceeding No. 173—Jelly Jones Toyota, Inc., applicant v. Star Toyota, Inc., protestant; and a financial report.

Additional information may be obtained from Russell Harding, Suite 200, National Building, 815 Brazos Street, Austin, Texas, telephone (512) 476-3587.

Filed: September 10, 1979, 3:40 p.m.
Doc. No. 795981

Texas Optometry Board

Tuesday and Wednesday, September 18-19, 1979, 8 p.m. and 8:30 a.m., respectively. The Texas Optometry Board will meet at the Marriott Hotel, Austin. According to the agenda summary, the board will consider the following: reports of secretary-treasurer, committees, and legal counsels; licensure of a candidate for examination; discussion regarding the division of optometric offices; correspondence received from licensees; duplicate licenses; House Resolution 167; renewal fee for 1980; recent lawsuit filed against the board; and appearance of counsel for the Texas State Board of Medical Examiners. The Sunset Report for the Texas Optometry Board will also be discussed.

Additional information may be obtained from Lois Ewald, 5555 North Lamar, Suite H-101, Austin, Texas 78751, telephone (512) 458-2141 or Tex-An 924-1595.

Filed: September 10, 1979, 4:04 p.m.
Doc. No. 795980

Board of Pardons and Paroles

Monday-Friday, September 24-28, 1979, 9 a.m. daily. The Board of Pardons and Paroles will meet in Room 711, Stephen F. Austin Building, Austin, to consider the following: 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: September 10, 1979, 4:22 p.m.
Doc. No. 795982

Texas Parks and Wildlife Department

Tuesday, September 25, 1979, 2 p.m. and 3 p.m. The Fisheries Division of the Resources Protection Branch will meet in Room A-100, 4200 Smith School Road, Austin. According to the agenda summary, at 2 p.m. the division will consider application of Andrew Green to remove approximately 360 cubic yards of marl (total) by means of clamshell from Offatts Bayou, Galveston; at 3 p.m. the division will consider application of Jinks Coleman, doing business as South Texas Aggregates, Inc., for a permit to remove approximately 8,500 yards of gravel and 1,500 cubic yards of sand per month by means of a front-end loader from the Frio River, Uvalde County.

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

Filed: September 11, 1979, 1:43 p.m.
Doc. No. 796009

Texas State Board of Pharmacy

Tuesday and Wednesday, September 25 and 26, 1979, 7:30 a.m. daily. The State Board of Pharmacy will meet in the upper level of Municipal Auditorium, South First and Riverside Drive, Austin, to conduct examinations for licensure of pharmacists.

Additional information may be obtained from Priscilla Jarvis, Southwest Tower, Suite 1121, 211 East Seventh, Austin, Texas 78701, telephone (512) 478-9827.

Filed September 11, 1979, 9 a.m.
Doc. No. 759995

Tuesday, September 25, 1979, 1 p.m. - 5 p.m. The Texas State Board of Pharmacy will meet in Suite 1221, Southwest Tower, 211 E. 7th Street, Austin, to consider the jurisprudence exam progress report, regulations, and internship program.

Additional information may be obtained from Priscilla Jarvis, Southwest Tower, Suite 1121, 211 East 7th Street, Austin, Texas 78701.

Filed: September 11, 1979, 1:40 p.m.
Doc. No. 796012

Texas State Board of Examiners of Psychologists

Thursday-Sunday, September 20-23, 1979, 9 a.m. daily. The Texas State Board of Examiners of Psychologists will meet at 5555 North Lamar, Building H, Suite 126, Austin, to consider the following items: rules and regulations; procedures and policies; legislative matters; interviews and meetings with persons associated with areas related to psychology; hearings for reconsideration of applications, negative letters of reference, reciprocity applicants; reconsideration of applications and consideration of new applications; and review of self-evaluation report for sunset review.

Additional information may be obtained from Patti Bizzell, 5555 North Lamar, Building H, Suite 126, Austin, Texas 78751, telephone (512) 458-3295.

Filed: September 12, 1979, 9:41 a.m.
Doc. No. 796021

Public Utility Commission of Texas

Thursday, September 13, 1979, 9 a.m. The Public Utility Commission of Texas made an emergency addition to the agenda of a meeting held in Suite 400N, 7800 Shoal Creek Boulevard, Austin. The addition concerned Docket No. 2795, application of the City of College Station to amend its certifi-

cate of convenience and necessity for electric utility service within Brazos County, for ruling on appeal of an interim order. This emergency addition is necessary because Rule 052.01.00.067 requires the ruling on interim orders within 10 days of the filing of an appeal.

Additional information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, telephone (512) 458-0100.

Filed: September 12, 1979, 4:12 p.m.
Doc. No. 796037

Wednesday, September 19, 1979, 9 a.m. The Public Utility Commission of Texas has made an emergency addition to the agenda of a meeting to be held in Suite 400N, 7800 Shoal Creek Boulevard, Austin. The addition concerns Docket No. 2792, application for approval of sale of municipally owned electric utility system of the City of Commerce to Texas Power and Light Company within Hunt County. This emergency addition is necessary because the City of Commerce will lose federal grant money for sewer improvements if the final order is not approved by October 1, 1979.

Additional information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, telephone (512) 458-0100.

Filed: September 12, 1979, 4:12 p.m.
Doc. No. 796038

Tuesday, October 9, 1979, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 400N, 7800 Shoal Creek Boulevard, Austin, to consider a prehearing conference in Docket No. 2782: application of HI Texas Water Corporation for a rate increase in Hutchinson and Carson Counties.

Additional information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, telephone (512) 458-0100.

Filed: September 10, 1979, 3:41 p.m.
Doc. No. 795979

Wednesday, October 10, 1979, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 400N, 7800 Shoal Creek Boulevard, Austin, to consider a prehearing conference in Docket 2787: application of Toledo Beach Water Company for a rate increase in Sabine County.

Additional information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, telephone (512) 458-0100.

Filed: September 11, 1979, 11:05 a.m.
Doc. No. 796008

Wednesday, October 10, 1979, 2 p.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 400N, 7800 Shoal Creek Boulevard, Austin, to consider a prehearing in Docket 2707 (previously submitted), rescheduled from September 18, 1979.

Additional information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, telephone (512) 458-0100.

Filed: September 12, 1979, 9:40 a.m.
Doc. No. 796022

Monday, October 15, 1979, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 400N, 7800 Shoal Creek Boulevard, Austin, to consider a hearing in Docket No. 2760: application of the City of Waxahachie for an amended certificate of convenience and necessity within Ellis County.

Additional information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, telephone (512) 458-0100.

Filed: September 11, 1979, 9:09 a.m.
Doc. No. 795996

Friday, December 7, 1979, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 400N, 7800 Shoal Creek Boulevard, Austin, to consider a prehearing conference on Docket 2765: inquiry of Public Utility Commission of Texas into certain rates of Southwestern Bell Telephone Company concerning MCI Telecommunications Corporation.

Additional information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, telephone (512) 458-0100.

Filed: September 11, 1979, 1:41 p.m.
Doc No 796010

Monday, January 21, 1980, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 400N, 7800 Shoal Creek Boulevard, Austin, to consider a hearing on the merits of Docket 2765: inquiry of Public Utility Commission of Texas into certain rates of Southwestern Bell Telephone Company concerning MCI Telecommunications Corporation.

Additional information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, telephone (512) 458-0100.

Filed: September 11, 1979, 1:41 p.m.
Doc. No 796011

Railroad Commission of Texas

Tuesday, September 11, 1979, 11 a.m. The Railroad Commission of Texas held an emergency meeting rescheduled from Monday, September 10, 1979, to continue consideration of matters properly noticed for but not concluded, as a matter of urgent public necessity.

Additional information may be obtained from James P. Grove IV, 1124 South IH 35, Austin, Texas, telephone (512) 445-1186.

Filed: September 10, 1979, 1:53 p.m.
Doc. No. 795967

Texas County and District Retirement System

Thursday, September 20, 1979, 9 a.m. The Board of Trustees of the Texas County and District Retirement System will meet at the Austin Hilton Inn, 6000 Middle Fiskville Road, Austin. According to the agenda summary, the board will consider the following items: determination of applications for service retirement and disability retirement; escheatments; review financial statements; reports from the actuary, director, legal counsel, and investment counsel; selection of auditor; fix contribution rates of participating subdivisions; and the December meeting date.

Additional information may be obtained from the Texas County and District Retirement System, 802 Perry-Brooks Building, Austin, Texas, telephone (512) 476-6651.

Filed: September 12, 1979, 9:43 a.m.
Doc. No. 796019

School Land Board

Tuesday, September 18, 1979, 10 a.m. The School Land Board 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 the following items: three pooling agreement applications; coastal public lands—one easement application, one cabin permit rebuilding request and report; 12 cabin permit renewals; report and discussion of the statutes of a request made to the attorney general's office requesting them to file suit, if necessary, to enable the School Land Board to recover state-owned minerals through their lessees; and coastal public lands—one cabin permit termination.

Additional information may be obtained from Linda Fisher, 1700 N. Congress Avenue, Room 835, Austin, Texas 78701, telephone (512) 475-2071.

Filed: September 10, 1979, 1:43 p.m.
Doc. No. 795965

Tuesday, September 18, 1979, 10 a.m. The School Land Board will meet in Conference Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, to consider an emergency addition to the agenda: request by International Petroleum Refining and Supply Company to purchase Texas royalty liquids from Blk. 14-L, Jefferson County.

Additional information may be obtained from Linda Fisher, Stephen F. Austin Building, Room 835, 1700 North Congress Avenue, Austin, Texas 78701, telephone (512) 475-2071.

Filed: September 11, 1979, 2:42 p.m.
Doc. No. 796014

State Securities Board

Thursday, September 20, 1979, 10 a.m. The securities commissioner has rescheduled a hearing from September 14, 1979, at 1:30 p.m., to the date and time set out above. The hearing will be held in Room 709 of the Lyndon Baines Johnson Building, 111 East 17th, Austin, and concerns whether the registration of Phillips Henry Clayton as an

officer of Church Properties Corporation should be revoked or suspended and whether the registration of Church Properties Corporation as a general securities dealer should be revoked or suspended.

Additional information may be obtained from Patrick Lanier, Room 709, LBJ State Office Building, Austin, Texas.

Filed: September 12, 1979, 4:19 p.m.
Doc. No. 796041

Texas State Board of Examiners in Social Psychotherapy

Saturday, September 22, 1979, 1 p.m. - 5 p.m. The Texas State Board of Examiners in Social Psychotherapy will meet in the Canyon Creek Country Club, Blanco Road, San Antonio. According to the agenda summary, the meeting will include the following items: executive secretary's report; continuing education; reports from application screening committees and matters related to screening applicants; discussion of matters related to the sunset law, including a report from board's Sunset Committee chairman; future licensure examination, including dates and board member monitors; results of the May 26, 1979, and August 25, 1979, examinations; matters pertaining to the licensure and regulation of social psychotherapists; assignments to the Examination Development Committee; meet in executive session; and conduct annual election of board officers.

Additional information may be obtained from Daniel L. Boone, 1100 W. 49th Street, Austin, Texas 78756, telephone (512) 458-7511.

Filed: September 12, 1979, 9:36 a.m.
Doc. No. 796023

University System of South Texas

Thursday, September 13, 1979, 9:30 a.m. The Board of Directors of the University System of South Texas made an emergency addition to the agenda of a meeting held in the board room, San Antonio Chamber of Commerce, 602 East Commerce Street, San Antonio. The addition concerned the consideration of revision of tuition scholarship policy.

Additional information may be obtained from William C. English, P.O. Box 1238, Kingsville, Texas 78363, telephone (512) 595-2208.

Filed: September 12, 1979, 9:42 a.m.
Doc. No. 796020

Veterans Land Board

Tuesday, September 18, 1979, 2 p.m. The Veterans Land Board will conduct an emergency meeting in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the board will approve the minutes of the July 24, 1979, meeting; consider the report of the executive secretary; review the contiguous tract rule; and discuss board policy.

Additional information may be obtained from Richard Keahey, Stephen F. Austin Building, Room 738, Austin, Texas 78701.

Filed: September 11, 1979, 10:41 a.m.
Doc. No. 796006

Texas Water Commission

Wednesday, September 19, 1979, 9 a.m. The Texas Water Commission will meet in Room 618, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda summary, the commission will consider a hearing on an application by A. H. Denis III, doing business as Denis Ranch Feed Yard, Vancourt, for a permit to authorize the disposal of agricultural waste from a confined cattle feedlot operation in Tom Green County.

Additional information may be obtained from Larry Soward, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1311.

Filed: September 10, 1979, 3:38 p.m.
Doc. No. 795977

Wednesday, September 19, 1979, 9 a.m. The Texas Water Commission will meet in Room 618, Stephen F. Austin Building, Austin. According to the agenda summary, the commission will consider a hearing on an application by Geo-Ject, Inc., Deer Park, for a permit to drill and operate a commercial waste disposal well.

Additional information may be obtained from Larry Soward, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1311.

Filed: September 10, 1979, 3:39 p.m.
Doc. No. 795978

Monday, October 22, 1979, 2 p.m. The Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin, to consider an application of Houston Lighting and Power Company, seeking to extend the time for commencement of construction of the dam and related facilities authorized under Permit No. 2925, as amended.

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

Filed: September 12, 1979, 2:25 p.m.
Doc. No. 796034

Tuesday, October 30, 1979, 10 a.m. The Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider a hearing on Application No. 3214A, Brazos River Authority, to correct erroneous information, to authorize permittee to construct and maintain a dam and reservoir (Lake Limestone), and to divert and use water for municipal and irrigation purposes.

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

Filed: September 12, 1979, 2:24 p.m.
Doc. No. 796033

Texas Water Development Board

Tuesday, September 18, 1979, 8:30 a.m. The Texas Water Development Board will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda summary, the board will consider the following: approval of minutes of previous meeting; present status of the development fund; deletion of a condition to its loan commitment of December 1978 to the City of Friendswood; the master agreement for cooperative topographic mapping with United States Geological Survey for fiscal year 1980; final adoption of Rules 156.02.50.001-009 relating to contractual amendments of water rights incidental to sales of state water; adding the projects of Victoria County WCID No. 2 to fiscal year 1980 project priority list for municipal facilities construction grants program; certification of four Texarkana 208 reports; amendments to certain existing water quality planning contracts; report on the oil slick resulting from the blowout of Ixtoc 1 Well and related pending congressional legislation; status of the water resources planning and development program; appointment of the three board members for the Lower Neches Valley Authority; and recess into executive session to discuss negotiations relating to the sale of water and/or the board's ownership interest in a state facility.

Additional information may be obtained from Harvey Davis, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-3187.

Filed: September 10, 1979, 2:19 p.m.
Doc. No. 795968

Regional Agencies

Meetings Filed September 10, 1979

The Edwards Underground Water District, Board of Directors, met in the meeting room of the Tower Life Building, St. Mary's and Villita Streets, San Antonio, on September 11, 1979, at 10 a.m. Further information may be obtained from Jo Celia Cullinane, 1200 Tower Life Building, San Antonio, Texas, telephone (512) 222-2204.

Doc. No. 795970

Meetings Filed September 11, 1979

The Brazos Valley MHRM Center, Board of Trustees, will meet at 202 East 27th Street, Bryan, on September 20, 1979, 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 Nortex Regional Planning Commission, General Membership, will meet at McBride Land and Cattle Co., 501 Scott Street, Wichita Falls, on September 20, 1979, at noon. Further information may be obtained from Edwin B. Daniel, 2101 Kemp, Wichita Falls, Texas 76309, telephone (817) 322-5281.

The San Antonio River Authority, Board of Directors, will meet at the conference room of the General Offices, 100 E. Guenther Street, San Antonio, on September 19, 1979, at 2 p.m. Further information may be obtained from Fred N. Pfeiffer, P.O. Box 9284-Guilbeau Station, San Antonio, Texas 78204, telephone (512) 227-1373.

The San Antonio River Authority, Board of Trustees, will meet at the conference room of the General Offices, 100 E. Guenther Street, San Antonio, on September 19, 1979, following the 2 p.m. meeting. Further information may be obtained from Fred N. Pfeiffer, P.O. Box 9284-Guilbeau Station, San Antonio, Texas 78204, telephone (512) 227-1373.

Doc. No. 796007

Meetings Filed September 12, 1979

The Edwards Underground Water District, Board of Directors, met in the second floor meeting room, Tower Life Building, San Antonio, on September 13, 1979, at 3 p.m. Further information may be obtained from Jo Celia Cullinane, 1200 Tower Life Building, San Antonio, Texas, telephone (512) 222-2204.

The Heart of Texas Council of Governments, Executive Committee, will meet at 700 Austin Avenue, Third Floor, Waco, on September 27, 1979, at noon. Further information may be obtained from Marcia Ross, 700 Austin Avenue, Waco, Texas 76701, telephone (817) 756-6631.

The North Texas Municipal Water District, Board of Directors, will meet at NTMWD Central Plant, Administrative Offices, Wylie, on September 27, 1979, at 3 p.m. Further information may be obtained from Carl W. Riehn, P.O. Drawer C, Wylie, Texas 75098, telephone (214) 442-2217.

Doc. No. 796018

Meetings Filed September 13, 1979

The Houston-Galveston Area Council, Regional Growth Committee, will meet at Houston-Galveston Area Council, 3701 West Alabama, Houston, on September 19, 1979, at 9:30 a.m. Further information may be obtained from Doris S. Ebner, P.O. Box 22777, Houston, Texas 77027, telephone (713) 627-3200, ext. 220.

The Lower Colorado River Authority will meet at 3700 Lake Austin Boulevard, Austin, on September 20, 1979, at 9 a.m. Further information may be obtained from Charles Her-ring, P.O. Box 220, Austin, Texas 78767, telephone (512) 474-5931, ext. 330.

Doc. No. 796053

Texas Department of Human Resources

Public Hearing

Notice of Room Change

A public hearing notice on the Department of Human Resources' Primary Home Care Program was published in the September 4, 1979, issue of the *Texas Register* (4 TexReg 3167). The hearing will be held on Wednesday, September 26, 1979, at 9 a.m. However, the meeting room has been rescheduled from Room 406 to Room 411 in the John H. Reagan Building.

Issued in Austin, Texas, on September 10, 1979.

Doc. No. 795960 Jerome Chapman
Commissioner
Texas Department of Human Resources

Filed: September 10, 1979, 11:22 a.m.
For further information, please call (512) 475-4601.

Texas State Library and Archives Commission

Consultant Contract Award

The Texas State Library and Archives Commission announces the award of a consulting contract in the amount of \$26,000 to the Amigos Bibliographic Council. The consultant will conduct a feasibility study and develop technical specifications for a computer-to-computer communications protocol necessary to interconnect online library circulation systems at the University of Houston, Houston Academy of Medicine, Houston Public Library, Austin Public Library, and Stephen F. Austin University. The consultant will provide reports due on March 31, 1980, and September 30, 1980.

Issued in Austin, Texas, on September 11, 1979.

Doc. No. 796024 Wm. D. Gooch
Assistant State Librarian
Texas State Library and Archives
Commission

Filed: September 12, 1979, 10:41 a.m.
For further information, please call (512) 475-4119.

Texas Parks and Wildlife Department

Consultant Proposal Request

Description of Project. This notice is published pursuant to Article 6252-11c, Vernon's Texas Civil Statutes, to solicit offers from consultants to perform field investigative services concerning efficient utilization of personnel and equipment at various departmental facilities as assigned by the executive director of the Texas Parks and Wildlife Department.

Proposal Deadline. Offers should be submitted to Charles H. Dahlstrom, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, telephone (512) 475-4954. The closing date for receipt of offers is October 1, 1979.

Selection Criteria. The selection of the consultant will be made on the basis of qualifications and personal interview. Any offeror who has been employed by this agency or by this agency or by another state agency at any time during the two years preceding the making of the offer shall disclose in the offer the nature of the previous employment with this agency or other state agency, the date of termination of the employment, and the annual rate of compensation for the employment at the time of termination.

Issued in Austin, Texas, on September 10, 1979.

Doc. No. 795966 Charles H. Dahlstrom
Administrative Assistant
Texas Parks and Wildlife Department

Filed: September 10, 1979, 1:56 p.m.
For further information, please call (512) 475-4954.

Texas Register

Correction of Error

The proposed amendments to the administrative rules and procedures of the *Texas Commission for the Blind* published in the August 28, 1979, issue of the *Texas Register* (4 TexReg 3053) contained an error in Rule 329.01.01.007. Rule .007 should read as follows:

.007. Quorum. A quorum consists of *five* [a majority of the qualified members of the board in attendance].

Texas Water Commission

Applications for Waste Discharge Permits

Notice is given by the Texas Water Commission of public notices of waste discharge permit applications issued during the period of September 4-7, 1979.

No public hearing will be held on these applications unless an affected person who has received notice of the applications has requested a public hearing. Any such request for a public hearing shall be in writing and contain (1) the name, mailing address, and phone number of the person making the request; (2) a brief factual statement of the nature of the interest of the requester and an explanation of how that interest would be affected by the proposed actions; and (3) the names and addresses of all persons whom the requester represents. If the commission determines that the request sets out legal or factual questions within the jurisdiction of the commission and relevant to the waste discharge permit decision, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 45 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by writing Larry R. Soward, assistant chief hearings examiner, Texas Water Commission, P.O. Box 13087, Capitol Station, Austin, Texas 78711, telephone (512) 475-1311.

Listed are the name of the applicant and the city in which the facility is located; type of facility; location of the facility; permit number; and type of application—new permit, amendment, or renewal.

Week Ending September 7, 1979

City of Port Lavaca, Calhoun County; sewage treatment plant; west of Houston Street near intersection with Newlin Street; 10251-01; renewal

City of Port Lavaca, Calhoun County; sewage treatment plant; northwest of the Little Chocolate Bayou and FM Road 238 intersection; 10251-02; renewal

Medina County WCID No. 2, D'Hanis; sewage treatment plant; intersection of Nester Lane and South Street; 11144-01; renewal

City of Brady, McCulloch County; sewage treatment plant; east of Sixth Street and the Atchison, Topeka, and Santa Fe Railroad spur; 10132-01; renewal

American Magnesium Co., Snyder, Scurry County; waste disposal well; Section 196, Block 97, H&TC Survey; WDW-133; renewal

TAE Corp., Seguin, Guadalupe County; sewage treatment plant; intersection of IH-10 and FM Road 775 near Marion; 11053-01; renewal

Texas Parks and Wildlife Department, Stephen F. Austin State Park, Austin County; sewage treatment plant; intersection of Peach Street and (Second Street) Park Road 38; 10896-01; renewal

City of Linden, Cass County; sewage treatment plant; intersection of FM Road 125 and the Jefferson Freeway; 10429-01; renewal

Issued in Austin, Texas, on September 10, 1979.

Doc. No. 795991 Mary Ann Helmer
 Chief Clerk
 Texas Water Commission

Filed: September 10, 1979, 4:05 p.m.
 For further information, please call (512) 475-1311.