

S 500.6
R263
4/73 c. 3

TEXAS STATE LIBRARY

OCT 3 1979

TEXAS DOCUMENT

TEXAS REGISTER

In This Issue...

Texas Department of Health adopts emergency rules concerning medical services for crippled children who have cancer; effective date—September 21..... 3534

Texas Education Agency proposes amendments to rules concerning regional education service centers; proposed date of adoption—November 10..... 3535

Amendments to rules governing Food Stamp Program proposed by Texas Department of Human Resources; proposed date of adoption—October 29..... 3536

New rules adopted by Texas Industrial Commission establishing guidelines for industrial projects; effective date—October 12 3561

Publication schedule for October, November, and December..... 3574



Because the Department of Health wants to implement immediately the legislative mandate to arrest an imminent peril to the public health, safety, or welfare, it adopts on an emergency basis rules concerning the provision of medical and rehabilitative services to crippled children who have cancer. Children are eligible for service if they meet financial eligibility requirements, and if it is reasonable to assume that the services provided may cure or arrest the cancer or prolong the child's independent function.

To clarify policies and procedures which will assist in delivery of food stamps, the Department of Human Resources proposes amendments to rules concerning its Food Stamp Program. Rules which have been clarified concern filing of application, definition of head of household, month of application, expedited services, PA application, definition of resources, computation of income, special households, and ATP replacements.

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

The *Texas Register* (ISSN 0362-4781) is published twice weekly, at least 100 times a year, except March 9, June 1, November 27, and December 28, by the Texas Register Division, Office of the Secretary of State, 201 East 14th Street, P. O. Box 13824, Austin, Texas 78711, telephone (512) 475-7886. The *Register* contains executive orders of the governor; summaries of attorney general's opinions and summaries of requests for opinions; emergency rules, proposed rules, and adopted rules of state agencies; notices of open meetings; and miscellaneous notices of general interest to the public of Texas. Subscriptions are \$40 for units of Texas state government and nonprofit schools and libraries in Texas, and \$60 for all others. Six month subscriptions are also available for \$30 and \$45, respectively. Back issues, when available, are \$1.50 each.



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

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

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

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

Texas Register Division

Linda Camp
Charlotte Scroggins
Suki Gras

Bill Lalla, Director
Gail Myrick
Linda Garrett
Lillian Stiles

Lindy Whittington
Karrie Key
Michael Medearis

The Attorney General

Requests for Opinions

- 3532 *RQ-167 (concerning use of county funds for city-owned zoo)*
- 3532 *RQ-168 (concerning constitutionality of Department of Corrections proposed rule controlling authorized inmate group activity)*
- 3532 *RQ-169 (concerning whether fees for service of a precept are prescribed by Chapter 519, Acts of the 66th Legislature)*
- 3532 *RQ-170 (concerning authority of county court at law judge to resign as juvenile court judge and redesignate duties to another judge)*
- 3532 *RQ-171 (concerning deposits of pro rata interest earned from time deposits of Fire Fighter Relief and Retirement Fund)*
- 3532 *RQ-172 (concerning authority under which the governor may transfer one statutory agency to be a division of another)*

Opinions

- 3533 *MW-58 (concerning effect of proposed charter amendment which would inhibit City of Fort Worth taxing authority)*

Emergency Rules

Texas Department of Health

- 3534 *Maternal and Child Health Services*

Proposed Rules

Texas Education Agency

- 3535 *Regional Education Service Centers*

Texas Department of Human Resources

- 3536 *Food Stamps*
- 3540 *Nursing Facility Administration*
- 3541 *Intermediate Care Facility for Mentally Retarded*
- 3543 *24-Hour Care Licensing*
- 3557 *General Licensing Procedures*

Office of the Secretary of State

- 3580 *Elections*

Adopted Rules

Texas Education Agency

- 3559 *Foundation School Program*

Texas Industrial Commission

- 3559 *Revenue Bonds for the Promotion and Development of Industrial Enterprises*

State Board of Insurance

- 3563 *Rating and Policy Forms*

Office of the Secretary of State

- 3563 *Elections*

Open Meetings

- 3564 *Texas Department of Agriculture*
- 3564 *Coordinating Board, Texas College and University System*
- 3565 *Texas Health Facilities Commission*
- 3565 *University of Houston System*
- 3565 *Texas Indian Commission*
- 3565 *Texas Advisory Commission on Intergovernmental Relations*
- 3566 *Pan American University*
- 3566 *Public Utility Commission of Texas*
- 3566 *Railroad Commission of Texas*
- 3568 *State Securities Board*
- 3568 *Texas State Soil and Water Conservation Board*
- 3568 *Stephen F. Austin State University*
- 3569 *Texas Turnpike Authority*
- 3569 *Texas Water Commission*
- 3570 *Regional Agencies*

In Addition

Department of Banking

- 3572 *Applications to Purchase Control of State Banks*

Comptroller of Public Accounts

- 3572 *Administrative Decision*

Texas Health Facilities Commission

- 3572 *Applications for Declaratory Ruling, Exemption Certificate, and Transfer and Amendment of Certificate*

Senate

- 3573 *Special Committee on Delivery of Human Services in Texas*

Texas Register

- 3573 *Correction of Error*
- 3573 *Notice of Schedule Variation*
- 3574 *October, November, and December Publication Schedule*

Texas Department of Water Resources

- 3575 *Request for Proposal*

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-167

Request from Felipe Reyna, criminal district attorney, McLennan County.

Summary of Request:

(1) Under Article 6081f, Vernon's Annotated Civil Statutes, may a county use its funds to pay a portion of the operational and maintenance expenses of a zoo located on property owned entirely by a city?

(2) Under Article 6081f, Vernon's Annotated Civil Statutes, may a county use its funds to make capital improvements to a zoo located on property owned entirely by a city?

(3) If the answer to (1) or (2) is "no," then what type of ownership interest must a county have or acquire in the real property and/or capital improvements of the zoo in order to use its funds to pay a portion of the operational and maintenance expenses of the zoo and/or for capital improvements to the zoo?

(4) Does the fact that a nonprofit corporation owns all of the animals, reptiles, and birds exhibited at a zoo located on property owned entirely by a city constitute a legal impediment to a county using its funds to pay a portion of the operational and maintenance expenses of the zoo?

(5) Does the fact that a nonprofit corporation owns all of the animals, reptiles, and birds exhibited at a zoo located on property owned entirely by a city constitute a legal impediment to a county using its funds to make capital improvements to the zoo?

(6) If it is determined by the attorney general's opinion that a county must have an ownership interest in the real property on which the zoo is located in order to use its funds to pay a portion of the operational and maintenance expenses of the zoo and/or to make capital improvements to the zoo, what legal authority exists, in addition to Article 6081e, Vernon's Annotated Civil Statutes, to support a zoo?

Doc. No. 796301

Summary of Request for Opinion RQ-168

Request from James M. Windham, Texas Board of Corrections, Livingston.

Summary of Request:

(1) Is the proposed rule controlling authorized inmate group activity so broad in scope that it would be unconstitutional in unjustifiably restricting inmates from expressing their opinions or grievances by means of written correspondence, petitions, and the like?

(2) Does the rule violate the constitutional guidelines addressed by the Supreme Court in *Jones v. North Carolina Prisoners Labor Union*, 433 U.S. 119 (1977)?

(3) Does the rule eliminate the inmates' ability to file a class action lawsuit?

(4) Do prison inmates have a constitutionally protected right to express their opinion to legislators through a petition on proposed legislation relating to corrections, parole, or other matters of concern, where such inmates have the right to each individually express his or her opinion by sealed, unread, and uninspected mail to public officials, including members of the legislature, attorneys, and the media or through personal visits from such persons?

Doc. No. 796302

Summary of Request for Opinion RQ-169

Request from Joe Resweber, county attorney, Harris County.

Summary of Request: Is a fee of \$10 or a fee of \$12 prescribed by Chapter 519, Acts of the 66th Legislature, 1979, page 1103, which is amending and replacing Article 3933a, Vernon's Texas Civil Statutes, for service of a precept?

Doc. No. 796303

Summary of Request for Opinion RQ-170

Request from Mike Atkins, county attorney, Ector County.

Summary of Request: May the judge of the Ector County Court of Law resign from duties of the judge of juvenile court while continuing to act as judge of county court at law and have the Juvenile Board of Ector County designate one of the three district judges as the judge to hear juvenile matters in Ector County?

Doc. No. 796304

Summary of Request for Opinion RQ-171

Request from Warren G. Harding, state treasurer, Austin.

Summary of Request: Should the pro rata depository interest earned from time deposits of the Fire Fighter Relief and Retirement Fund be deposited to that fund or to the General Revenue Fund?

Doc. No. 796305

Summary of Request for Opinion RQ-172

Request from Craig A. Washington, chairman, Human Services Committee, house of representatives, Austin.

Summary of Request:

(1) By what authority may the governor transfer one statutory agency to be a division of another?

(2) Does the appointment of a person who is executive director of one state agency to the committee chairmanship of another constitute a conflict of interest?

Doc. No. 796306

Opinions**Summary of Opinion MW-58**

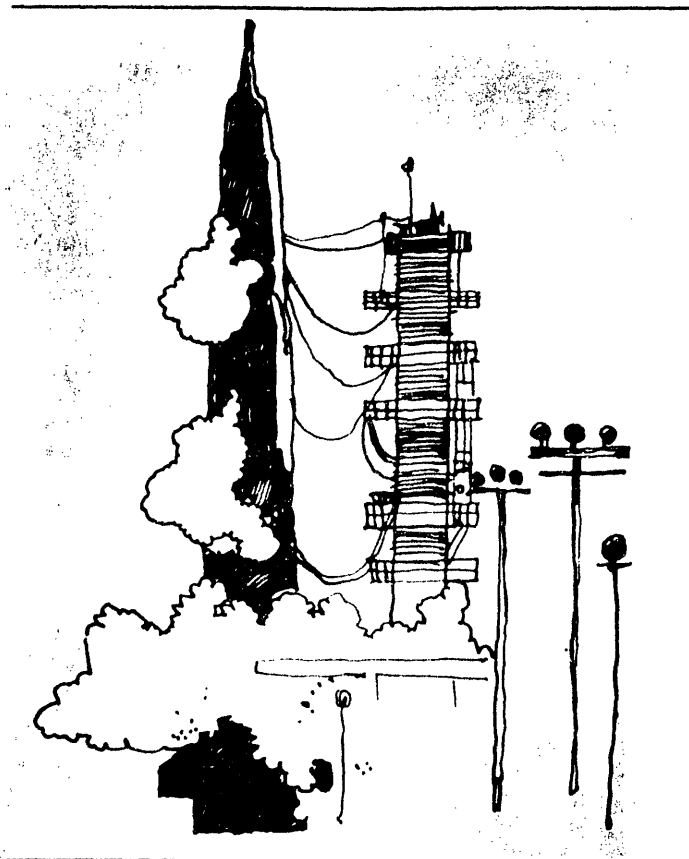
Request from Gibson D. (Gib) Lewis, chairman, Committee on Intergovernmental Affairs, house of representatives, Austin, concerning the effect of a proposed charter amendment which would inhibit the taxing authority of the City of Fort Worth.

Summary of Opinion: Since the tax rate is levied and assessments are made prior to the election of November 6, 1979, a proposed amendment to the charter of the City of Fort Worth adopted that date will be ineffective to affect the 1979-80 tax rate. The amendment would, however, limit future taxes to a rate which would produce a growth of not more than 5.0% of the previous year's revenue from ad valorem taxation.

Issued in Austin, Texas, on September 20, 1979.

Doc. No. 796300 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.

Texas Department of Health Maternal and Child Health Services

Medical and Rehabilitative Services 301.33.06

The Texas Department of Health adopts on an emergency basis the subject rules in order to implement the requirements of Senate Bill 805 (amending Article 4419c, Texas Revised Civil Statutes), 66th Legislature, 1979, which became effective August 27, 1979. The rule is designed to provide medical and rehabilitative services to crippled children under 21 years of age who have cancer. The rules are being adopted on an emergency basis because the department wants to implement immediately the legislative mandate to cure or arrest an imminent peril to the public health, safety, or welfare, which in this case is cancer in crippled children.

These rules are being adopted on an emergency basis under authority of Article 6252-13a, Texas Revised Civil Statutes, and Article 4419c, Texas Revised Civil Statutes, as amended by Senate Bill 805, 66th Legislature, Regular Session, 1979.

.001. Purpose. To provide the medical and rehabilitative services to crippled children under 21 years of age who have cancer and who meet the financial eligibility requirements for receiving crippled children's services from the department.

.002. Cancer Defined. For purposes of these rules, cancer means a malignant disease characterized by unrestricted growth of abnormal cells, the natural course of which is fatal; cancer includes but is not restricted to leukemia, lymphoma, and histiocytosis.

.003. Eligibility. To be eligible for medical and rehabilitative services for cancer, the child's condition must be such that it is reasonable to assume that the services provided may cure or arrest the cancer or prolong the child's period of independent function.

.004. Program Budget Category. A program budget category is established to cover the expenditures authorized for this program. It will be necessary periodically to re-evaluate and possibly modify the amount of the budget.

.005. Persons Authorized to do Diagnosis and Treatment.

(a) All potential new cases of childhood cancer shall be provided their diagnostic workup and treatment protocol, with authorization from the director of Crippled Children's Services of the Texas Department of Health, by a specialty board-certified hematologist/oncologist or by a physician with professional credentials in the field comparable to specialty board-certification. These specialists are available in adequate number and locations throughout the state; therefore, this procedure will not create undue hardship on the family and will assure quality care.

(b) Continuing treatment may be provided by any licensed physician convenient to the patient, with prior authorization from the director of the Crippled Children's Services.

(c) Applicants already undergoing treatment for cancer are not required to be diagnosed again by a specialty board-certified hematologist/oncologist.

.006. Variances and Exceptions. The commissioner of health may make variances and exceptions to these rules when there is a life-threatening situation.

Issued in Austin, Texas, on September 20, 1979.

Doc. No. 796309 A. M. Donnell, Jr., MD
Deputy Commissioner
Texas Department of Health

Effective Date: September 21, 1979

Expiration Date: January 19, 1980

For further information, please call (512) 458-7668.

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 Education Agency

Regional Education Service Centers

Administration and Operation of Regional Education Service Centers 226.21.02

The Texas Education Agency proposes to amend Rules 226.21.02.041 and .043, concerning the administration and operation of regional education service centers. The Appropriations Act, 1979, requires that at the end of each fiscal year balances of state funds allocated to education service centers in excess of 10% of total revenue for that year shall revert to the general revenue fund. The proposed amendment to Rules .041 and .043 implement this provision of the Appropriations Act. Each of the 20 education service centers must adopt and install an accounting system which sets up separate accounts with subaccounts reflecting transactions for the various state funds received by the centers each year.

The Texas Education Agency does not anticipate the proposed amendment to Rules .041 and .043 will result in increased costs for the state or for local units of government.

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

These amendments are proposed under the authority of Section 11.32(a), Texas Education Code.

.041. State and Local Funds.

(a) Policy.

(1) The education service centers shall be supported by:

(A)(1) a basic support allotment from the Foundation School Program Fund;

(B)(2) state and local funds on a matching basis for media services;

(C)(3) state funds as provided by law for computer services;

(D)(4) state funds as provided by law for local school bus driver training; and

(E)(5) other funds as they become available.

(2) "At the end of each fiscal year, balances of state funds allocated to education service centers in excess of 10% of total revenues for that year shall revert to the General Revenue Fund." (Article IV, Section 1, Appropriations Act of 1979.)

(b) Administrative Procedure.

(1) State funds for basic support of regional education service centers may be used to pay for regional education services, regional education planning services, and basic administrative costs necessary to support these services.

(2) State funds provided for media services are used to purchase, maintain, and service materials or equipment for the center as approved by its board and the Texas Education Agency. Matching funds for media services from school districts and other funds which are eligible may be used to pay the cost of administration and operation of the center as well as to purchase educational media and equipment. Annually, the centers forward copies of local school commitment forms plus a regional application for state funds for the support of regional media services. The center meets criteria adopted by the State Board of Education in order to receive funds. Initial and continued approval of funds for the center is based in part on the following criteria:

(A) demonstrated capability for planning, operating, and evaluating instructional media collections, services, and activities;

(B) compliance with applicable policies and procedures for collections, services, and activities established by the State Board of Education;

(C) maintenance of effective working relationships among schools served by the center; and

(D) participation in agency-sponsored statewide studies and activities for improving competencies of the staff.

(3) The funds for computer services are distributed on an annual plan basis.

(4) State funds provided for support of training for local school bus drivers may be used for salaries for instructors and supportive personnel, materials, and other necessary costs related to the training program.

(5) In accordance with Article IV, Section 1, Appropriations Act of 1979, at the end of each fiscal year, 10% will be applied to the total state revenues to and through education service centers for each school year, including base funding; regional media centers; computer services; special education funding, including visually handicapped funding, bilingual education, and bus driver training to determine the total amount which may be held as residual funds. All of the above accumulated fund balances as of the end of each school year may not exceed 10% of the total state funds received by the education service center during the school year. Each regional education service center must adopt and install an accounting system which sets up separate accounts with subaccounts reflecting transactions for these funds.

Expenditures for these subaccounts must be direct payments and not transfers to other subaccounts.

.043. Fiscal Audits, Records, and Reports.

(a) Policy.

(1) In addition to providing fiscal records or reports as required by approved state plans, education service centers shall meet the budgeting, accounting, financial reporting, and auditing requirements of Policy 42.01 and Rule 226.42.90.010. Management, fiscal, and service audits shall be conducted as required by Policy 21.02.050, Evaluation.

(2) *The commissioner of education shall require reports concerning fund balances at the end of each fiscal year and shall furnish necessary blanks, forms, and instructions for this purpose to ensure that the legal requirements of Article IV, Section 1, Appropriations Act of 1979, have been met.*

(b) Administrative procedure. (Reserved for expansion.)

Issued in Austin, Texas, on September 20, 1979.

Doc. No. 796269 A. O. Bowen
Commissioner of Education

Proposed Date of Adoption: November 10, 1979
For further information, please call (512) 475-7077.

be considered head of household, when appropriate [to facilitate DHR's computer tracking system]. A disqualified person may be designated head of household under the same restrictions as apply to authorized representatives. An ineligible alien may serve when there is no other adult member reasonably able to do so.

(b) (No change.)

.018. Designation of an Emergency A/R. A tear-off portion of the ID card is used by the household to designate the emergency authorized representative. The head of the household or spouse whose signatures already appear on the ID card may designate an emergency A/R. [The following information must be obtained:

(1) signature of the member making the designation and date;

(2) signature of the emergency A/R obtained in the presence of the household;

(3) the serial number of the specific ATP to be redeemed. Only one ATP can be redeemed with one designation. The designation cannot be reused.]

.020. Authorized Representative Using Food Stamps. An authorized representative may use food stamps to purchase eligible foods for the household provided the individual has the household's food stamp ID card. Designation in writing is *not* a requirement for A/Rs to use food stamps to purchase eligible foods for a household.

Doc. No. 796272

Texas Department of Human Resources

Food Stamps

The Department of Human Resources proposes to amend numerous rules in the Food Stamp Program. These changes are technical clarifications of policies and procedures which will assist service delivery staff in implementing the program requirements. Rules which have been clarified concern the procedures for filing an application, handling head of household, month of application, expedited service, PA application, resources, computation of income, special households, and ATP replacements.

The department has determined that the proposed amendments will have no fiscal implications for the state or units of local government. These amendments are merely clarifications of existing policies and procedures.

Written comments are invited and may be sent to Susan L. Johnson, assistant chief, Systems and Procedures Bureau—276, Department of Human Resources, John H. Reagan Building, Austin, Texas 78701, within 30 days of publication in this *Register*.

Household Concept 326.15.22

These amendments are proposed under the authority of the Human Resources Code, Chapter 33.

.012. Head of Household.

(a) The head of household is the person in whose name application is made for participation in the program, and normally is the person who is the household's primary source of income. The applicant has the primary responsibility to designate the head of household; however, the worker should suggest that individuals serving as AFDC *case name* [payee]

Application Process 326.15.23

These amendments are proposed under the authority of the Human Resources Code, Chapter 33.

.006. Filing an Application.

(a) Application for food stamps is made on the application form. The application may be filed in person or by mail and may be submitted through an authorized representative. The *date the application is* [filed the day] received *is the file date*. Day one of the application process *is* [begins] the day after the application is received by DHR in the appropriate food stamp office, *and is the first day in the application-processing period for determining timeliness requirements*. If the preliminary tear-off application is received prior to the application form, the date of its receipt is the file date. [The file date is day zero of the application-processing period for timeliness purposes.] The household must be advised it has the right to file an application at any time during office hours, including the same day the application form is requested. DHR may not require the household to be interviewed before filing its application and must accept any application when filed, even an incomplete application, as long as it contains the applicant's name and address and is signed by a responsible member of the household or by the authorized representative. The household should date the application. The date the application is received must be recorded on the form. Upon request, the household will be given a receipt to serve as a record for the household of the date an application was filed.

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

.007. Availability of Application Form. Application forms must be made readily available to potential applicants. Groups, individuals, or other agencies involved in outreach

such as county welfare offices or community action agencies may obtain application forms through the regional or State Office outreach coordinators. In addition, a notice must be posted in each PA or non-PA certification office to inform the household of application-processing standards and its right to file an application on the day of its initial contact. [The poster "Applying for Food Stamps?" will be used for this purpose.]

Doc. No. 796273

Non-PA Eligibility and Application 326.15.24

This amendment is proposed under the authority of the Human Resources Code, Chapter 33.

.010. *Month of Application.*

(a) Eligibility and allotments for most households submitting an application for eligibility determination must be based on the circumstances of the entire calendar month in which the application is submitted *even though the eligibility decision is not made until a subsequent month.*

(b)-(d) (No change.)

Doc. No. 796274

Expedited Service 326.15.25

This amendment is proposed under the authority of the Human Resources Code, Chapter 33.

.005. *Requirements. [Expedited Service.]*

(a) (No change.)

(b) Incoming applications, and requests for applications, must be screened for indications that the household meets either of the above criteria. Information on expedited service should be provided to all households which request assistance. Households requesting, but not entitled to, expedited service must be certified under normal procedures. *Households wishing to contest a denial of expedited service must be offered a conference with the supervisor or other appropriate staff.*

Doc. No. 796275

PA Application 326.15.27

This amendment is proposed under the authority of the Human Resources Code, Chapter 33.

.026. *When AFDC Eligibility Is Uncertain.*

(a) When AFDC eligibility is uncertain, the AFDC worker must certify the household for non-PA benefits and assign an appropriate non-PA certification period. The household's notice of eligibility must explain that food stamp benefits may be reduced or denied if AFDC is granted. [The food stamp case is retained by the AFDC worker until the AFDC decision is made.]

(b) (No change.)

(c) *The non-PA certification cannot be extended if it has already expired prior to the AFDC decision. Therefore, the household must submit a new application form and have its food stamp eligibility redetermined, if the AFDC decision is delayed past the end of the initial non-PA certification period.*

Doc. No. 796276

Resources 326.15.35

These amendments are proposed under the authority of the Human Resources Code, Chapter 33.

.017. *Exempt Resources.* Only the following are not considered household resources in determining eligibility.

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

(5) Other vehicles.

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

(C) *Any other licensed vehicles not exempt as income-producing, the household's primary vehicle, or for employment or training purposes shall be evaluated for both fair market value in excess of \$4,500 and equity value.*

(6)-(13) (No change.)

(14) Inaccessible resources.

(A)-(C) (No change.)

(D) *The concept of inaccessibility applies to real property only. Vehicles may not be considered as inaccessible resources.*

(15)-(18) (No change.)

.021. *Personal Property.*

(a) [Although the value of other items of nonexempt personal property may occasionally require verification, emphasis is placed on determining the value of licensed vehicles.

[(b)] The fair market value of licensed automobiles, trucks, and vans will be determined by the average trade-in value or the wholesale value as listed in the National Automobile Dealers Used Car Guide or blue book. [The blue book used must have been updated within the last six months.] If the household indicates that the blue book value is inappropriate because the vehicle is in less than average condition, [for reasons such as body damage or inoperability,] the household may provide verification of the true value from a reliable source. Never should the basic value of the vehicle be increased by the worker because of factors such as low mileage or optional equipment. Households must be asked to acquire verification of the value of licensed antique, custom made, or classic vehicles, if the caseworker is unable to make an accurate appraisal. For vehicles especially equipped with apparatus for the handicapped, a blue book value will be assigned as if the vehicle were not so equipped. The household's estimate of the value of automobiles no longer listed in the blue book will be accepted unless the worker has reasons to believe the estimate is incorrect. If the vehicle's value would affect the household's eligibility, the household is required to obtain an appraisal or provide other evidence of its value [such as a tax assessment or a newspaper advertisement indicating the amount at which like vehicles are being sold]. *To determine the value of new automobiles not yet listed in the blue book, attempts should be made to obtain the wholesale or trade-in value. If the wholesale or trade-in value cannot be obtained, the client's estimate of the value should be accepted unless it is questionable and would affect the household's eligibility. As a last resort, the worker may use the car's loan value.*

(b)(c) [Determining the value of licensed vehicles shall be handled as follows:

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

Doc. No. 796277

Computation of Income 326.15.43

This amendment is proposed under the authority of the Human Resources Code, Chapter 33.

.009. *Calculating Net Income and Benefits.*

(a) The following procedures for calculating the household's net income and benefits should be followed by the worker.

- (1) (No change.)
- (2) Multiply the total gross earned income by 20% and subtract that amount to determine the net monthly earned income [(or multiply total gross income by 80%)].
- (3)-(5) (No change.)
- (6) Total the allowable shelter expenses to determine shelter costs. Subtract from total shelter costs 50% of the household's monthly income after all allowable deductions have been subtracted. The remaining amount, if any, is the excess shelter costs. If there is no excess shelter cost, the net monthly income has been determined. If there is excess shelter cost, subtract the excess shelter costs (up to the maximum allowed) from the household's monthly income after all other deductions. [The maximum amount allowed for shelter is the maximum amount minus the amount of dependent care expenses, if any.] The household's net monthly income has been determined once the allowable excess shelter cost has been deducted.

(b) In calculating net monthly income, amounts must be rounded down to whole dollar amounts by dropping all cents. [With the exception of shelter costs.] Such rounding must occur before and after each calculation, *beginning immediately prior to applying the weekly, biweekly, semi-monthly, or monthly conversion factor. For daily earnings or weekly gross earnings which vary, the average weekly gross should be calculated prior to dropping the cents. In addition, when several household members receive individual monthly unearned income from the same source, the cents should be dropped from each individual's benefits before adding them together.*

(c) *Rounding to the dollar amount is not applied in determining shelter costs, however, because these procedures could result in a significant decrease in the shelter expenses[,] the household may be entitled to use in determining excess shelter costs [cost]. The individual costs for allowable shelter expenses[. These] shall be used in computing the household's total shelter costs [computed using actual amounts]. The cents must [will] be dropped from the total [shelter costs] prior to determining the shelter deduction for the household's net monthly income.*

Doc. No. 796278

Drug Addicts, Alcoholics, and Participants in Prepared Meal Services 326.15.53

These amendments are proposed under the authority of the Human Resources Code, Chapter 33.

.014. *List of Resident Participants*

(a) Each center must provide the local food stamp office with a monthly list of residents currently participating in the Food Stamp Program. The list must be certified by an officer of the center and must be provided *within five working days after the end of the month for which the list is prepared* [between the 10th and 15th of the month]. The list

should identify the following about each participant: name; birthdate; food stamp case number; date entered center; date left center; and indicate whether an ID card, partial allotment, and change report form were provided to departing participants.

(b) (No change.)

.020. *Center Responsibility.*

(a) The organization administering the treatment center will *designate an employee to act as an authorized representative to apply on behalf of the residents, to exchange the ATP for food stamps on their behalf, and to use the stamps to purchase food for preparation at the center or to purchase meals served at the center. However, the resident must personally sign the food stamp application form in addition to the authorized representative.*

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

Doc. No. 796279

Changes during Certification Periods 326.15.64

This amendment is proposed under the authority of the Human Resources Code, Chapter 33.

.015. *Change Report Form.* The certification worker must provide the household with a Report of Change form to be used for reporting changes, along with a prepaid return envelope for the household to mail in the report form. A Report of Change form must be provided to newly certified households at the time of certification and at recertification if the household needs a new form. Whenever a household reports a change on the form, they are given a new form and envelope. If a change is reported by phone or in person by the household or someone acting in the household's behalf, the information should be processed on a change form by the person receiving the information. [For households which include PA recipients, the changes in AFDC must be reported to non-PA workers by the PA worker.]

Doc. No. 796280

Fair Hearings 316.15.71

This amendment is proposed under the authority of the Human Resources Code, Chapter 33.

.013. *Continued Benefits.*

(a) Households which receive a notice of denial/reduction, and request a fair hearing during the 10-day advance notice period, will continue to participate on the basis authorized immediately prior to the notice of adverse action provided the certification period has not expired. The worker must provide for continuation of benefits *at the old level* unless the household specifically waives this service.

(b) *If the household waives the right to continuation of benefits, the worker must take action to reduce or deny benefits, as appropriate, upon expiration of the 10-day notice of adverse action period.* If the household does not positively indicate that it has waived continuation of benefits, the worker will ensure that benefits *at the old level* are continued.

(c)-(e) (No change.)

Doc. No. 796281

Replacement Procedures 326.15.74

This amendment is proposed under the authority of the Human Resources Code, Chapter 33.

.008. Replacing Lost or Stolen ATPs.

(a) ATPs which have been *received but were subsequently lost, stolen, destroyed, or not received* may be replaced. When a client reports nonreceipt of an ATP, the worker should examine facts such as recent address changes. If it appears the ATP is lost or stolen, the head of the household, spouse, responsible household member, or authorized representative must complete an affidavit for lost ATP and stolen or destroyed food stamps in the presence of the worker. On signing this form, the client certifies that the ATP was not received, and if later received, the client will return it to the office. The worker must explain to the client the significance of the form and the client's responsibilities to return any ATPs reported lost and later received and to return to the certification office any stamps that were stolen or destroyed and are later recovered. If [the household reports] two consecutive losses of ATPs *through [in] the mail are reported*, an alternative *means of ATP delivery [mailing address]* should be considered.

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

Doc. No. 796282

Food Stamp Assistance in Disasters 326.15.76

These amendments are proposed under the authority of the Human Resources Code, Chapter 33.

.028. Background.

(a) The current food distribution and food stamp programs of USDA, which are designed to provide food assistance to schools, institutions, and low income households can be converted immediately with USDA approval to serve people affected by disasters. In such situations persons other than those normally served by these programs may qualify for participation. Food distribution from USDA food stocks in school storerooms or state commodity district warehouses may be authorized in some circumstances. If sufficient retail food outlets authorized to accept food stamps are available and have adequate stocks of food, the Food Stamp Program may be used. Household needs may be met through [the unusual expenses provisions of the] ongoing program rules or USDA may authorize disaster food stamp issuance for the affected area.

(b) (No change.)

.029. Legal Base. Authority for the issuance of disaster food stamp assistance is contained in the Disaster Relief Act of 1974, and the Food Stamp Act of 1977 [1964 as amended]. Food Stamp Program regulations [(7 Code of Federal Regulations 274)] provide general terms and conditions for disaster food stamp issuance. Disaster food stamp assistance may be authorized by USDA as a result of a catastrophe determined by the president to be a major disaster. USDA also may authorize disaster food stamp assistance in situations which do not receive a presidential disaster declaration.

.033. Ongoing Program.

(a) The ongoing program rules provide several methods of assisting disaster victims. Among these are the *expedited service [emergency] manual ATP provisions[, the unusual*

expense policy,] and certification pending verification. However, ongoing program rules for eligibility and basis of issuance must be applied.

(b) (No change.)

Doc. No. 796283

Sixty-Day Continuation of Certification 326.15.82

This amendment is proposed under the authority of the Human Resources Code, Chapter 33.

.022. Entitlement to Restored Benefits. Households that are moving and are entitled to restored benefits should be provided the benefits in a lump sum on a supplemental ATP prior to the move.

[(a) If restored benefits have been transferred, the gaining office may authorize these benefits provided:

(1) The individual entitled to these benefits has moved with the household.

(2) The household is eligible for participation based either on a transfer of its certification or certification under regular procedures. If the household is ineligible, benefits still can be restored.

[(b) The household must be advised that if it moves again all lost benefits are restored, and if it wishes to transfer its entitlement to these benefits, another Certification of Transfer form will be required.]

Doc. No. 796284

ATP System 326.15.92

These amendments are proposed under the authority of the Human Resources Code, Chapter 33.

.021. Supplemental ATPs. Supplemental ATPs are issued separately from initial ATPs. This kind of ATP can be used to provide additional benefits to a household in connection with a currently valid ATP when changes in income or household size occur. Supplemental ATPs are also used in restoring [lost] benefits *lost* to households *because of DHR error*. Manual ATPs are used to restore supplemental benefits to households whether or not they are currently certified.

.022. Replacement ATPs.

(a) (No change.)

(b) Prior to issuing the replacement ATP, the worker must determine if:

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

(4) *The household has experienced two consecutive losses of ATPs through the mail. In this case, an alternative means of ATP delivery should be considered.*

Issued in Austin, Texas, on September 20, 1979.

Doc. No. 796285

Jerome Chapman

Commissioner

Texas Department of Human Resources

Proposed Date of Adoption: October 29, 1979

For further information, please call (512) 475-4601.

Nursing Facility Administration

Support Documents 326.33.99

The Department of Human Resources proposes to amend Rules 326.33.99.200, .203, and .204 about cost-related reimbursement for long-term care facilities in its Nursing Facility Administration rules. The department is proposing the amendments in an effort to establish more reasonably cost-related rates for long-term care facilities.

The major area of modification in the Nursing Facility Administration rules is that of occupancy adjustment. The number of vacant beds for which the department has contracted continues to place unnecessary and unreasonable costs on the Title XIX Program. The extent to which the department uses public money to subsidize the costs and inefficiencies of vacant beds is clearly a policy issue. Currently, only fixed realty costs are adjusted to an occupancy level of 85% for providers with occupancy rates less than 85%. This practice, however, continues to pass on most of the unnecessary and inefficient costs associated with vacant beds to the Medicaid Program since fixed realty costs comprise only 11.5% of total cost. To establish rates which reflect more economical and efficient use of facilities, the department is proposing to adjust all facility and administrative costs to an occupancy level of 90%. All of these costs are basically fixed costs. Facility and administrative costs comprise approximately 33% of the total costs. The department is not proposing to adjust dietary and patient care costs since many of the items in these cost areas vary with the number of patients in the facility. The occupancy adjustment proposal is applicable to Skilled, ICF III, ICF II, ICF-MR providers.

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—434, Department of Human Resources, John H. Reagan Building, Austin, Texas 78701, within 60 days of publication in this *Register*.

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

200. Reimbursement Methodology for Rates for Skilled Nursing Facilities and Intermediate Care Facilities. The Texas Department of Human Resources will reimburse long-term care facilities on a cost-related basis for care rendered to recipients in ICF II, ICF III, and Skilled levels of care. Rates will be determined for the ICF II, ICF III, and skilled levels of care on a statewide basis. These cost-related rates will be set using financial and statistical information from cost reports which must be completed by each participating provider at least annually.

(1) *Major characteristics:*

- (A) *statewide uniform rates;*
- (B) *reimbursement rates determined prospectively;*
- (C) *reimbursement rates set for each level of care—SNF, ICF III, and ICF II;*
- (D) *certain allowable costs adjusted to a minimum occupancy rate of 90%;*
- (E) *certain non-Medicaid related expenses reduced or removed;*

(F) *return on owner's net equity of proprietary providers included as an allowable cost;*

(G) *reimbursement rates established at the 60th percentile provider cost.*

[Geographic class. Vendor reimbursement rates will be determined on a statewide basis.]

(2) *Cost-finding methodology.*

(A) *Allowable costs submitted in cost reports will be adjusted as shown below.*

(i) *Facility and administration costs will be lowered to reflect per diem costs at the 90% level of occupancy for providers with occupancy rates less than 90%.*

(ii) *Expenses incurred to produce revenues for non-Medicaid required services will be reduced to an amount which allows for a reasonable profit not to exceed the maximum Title XVIII rate of return on owner's equity.*

(iii) *Expenditures from gifts, grants, donations, endowments, and trusts will be removed.*

(iv) *Interest expenses will be reduced by interest income not to exceed total reported interest expenses.*

(B) *A return on owner's equity of proprietary providers will be included as an allowable cost by the application of a rate of return to reported owner's equity. The rate of return shall not exceed the maximum rate allowed under Title XVIII.*

(C) *Projected costs. Adjusted costs are multiplied by applicable estimated rates of increase to project costs for the various reporting periods to a common year. Cost increase factors are derived, as appropriate, from the National Bureau of Labor Statistics consumer and producer price indices, The Fair Labor Standards Act's minimum wage provisions, the Social Security Administration's scheduled increases in Federal Insurance Contributions Act (FICA) amounts, and others.*

(D) *Level of care projected costs. Projected level of care costs are determined through a cost allocation method which allocates costs to each level of care. Projected costs for days of service (which are provided in beds classified higher than the patient) are determined using mismatch ratios to weigh daily service costs. The mismatch ratios are derived from predictor equations which predict mismatch free daily service costs.*

(E) *Cost area cost determination. Level of care projected costs per patient day will be combined into the four cost areas as shown below:*

(i) *patient care cost—daily service expense; laundry, linen, and housekeeping expense; activity services expense; social service expense; training expense; consultant expense;*

(ii) *dietary care cost—food and food service expense; dietary consultant expense;*

(iii) *facility cost—building, equipment, and capital expense; operation and maintenance expense;*

(iv) *administration cost—Utilization Review Committee expense; administrative expense.*

(F) *Provider cost arrays. Cost area provider costs will be rank-ordered from low to high to produce projected cost arrays.*

[Level of care classes. There will be three level of care classes—ICF II, ICF III, and SNF.]

(3) *Reimbursement rate determination.*

(A) *Cost area reimbursement rates. Cost area reimbursement rates are determined by selecting the 60th*

percentile costs for each cost area for each level of care from the arrays of projected provider costs.

(B) *Level of care reimbursement rates.* Cost area reimbursement rates are summed to determine the level of care reimbursement rates.

[Analysis techniques. Cost-binding analyses will be performed upon reported costs for ICF II, ICF III, and SNF levels of care. Rate-setting for ICF II, ICF III, and SNF levels of care will be based upon their allowed costs in each cost area.]

(4) [Rate determination by cost areas. Level of care allowed costs per patient-day will be combined into the four cost areas as shown below:

(A) patient care cost—daily services expenses; laundry, linen, and housekeeping expense; activity services expense; training expense; consultant expense;

(B) dietary care cost—food and food service expense; dietary consultant expense;

(C) facility cost—building, equipment, and capital expense; operation and maintenance expense;

(D) administrative cost—Utilization Review Committee expense; administrative expense.

(5) Calculation of cost area reimbursement rates. Cost area reimbursement rates are determined by selecting the 60th percentile costs for each cost area for each level of care from the arrays of projected provider costs.

(6) Calculation of level of care reimbursement rates. The patient-day reimbursement rate for each level of care will be calculated by summing the four cost area reimbursement rates.

(7) Appeals procedure. The Department of Human Resources will resolve appeals in accordance with its established administrative procedures.

203. Allowable Costs. The following described items of expense are not intended to be exhaustive of all possible allowable costs. They are intended to serve only as a general guide. Detailed are many types of costs which can reasonably be anticipated to be incurred in a long-term care facility. The absence of a particular type of cost does not necessarily mean that it is not an allowable cost.

(1) (No change.)

(2) List of allowable costs.

(A)-(C) (No change.)

(D) Real property and personal property expense.

(i)-(ii) (No change.)

(iii) Interest expense. *Generally, interest expenses are allowable on loans for the acquisition of allowable items. Examples include mortgage loans, equipment loans, and working capital loans. However, in order for interest expenses on loans to be considered an allowable cost, borrowings must conform to all of the following specifications: (1) the loan must be necessary in the provision of patient and resident care; (2) borrowings must be in conformity with prudent financial management practices; (3) the loan must be evidenced in writing; (4) the loan must be in the name of the provider entity as maker or co-maker of the note; (5) a loan executed on and after January 1, 1979, must be from lenders unrelated to the provider entity; loans executed prior to January 1, 1979, may be from any lender. [Mortgage, transportation equipment notes (see limitations under transportation equipment depreciation); furniture and other equipment notes; and working capital notes; except allowable interest must be reduced by interest income except from funded depreciation, and qualified pension funds.]*

(iv)-(v) (No change.)

(E) (No change.)

(F) Return on net invested equity of proprietary providers. *Net invested equity is defined as the long-term care provider's allowable assets less its allowable liabilities. Loans from stockholders, owners, partners, related organizations, and related parties to pay for allowable items of expense for which interest expenses are unallowable are considered to be advances of capital—not liabilities—for the purposes of determining allowable net invested equity.*

204. Unallowable Costs. The following described items of expense are not intended to be exhaustive of all possible unallowable costs. Rather, they are intended to be a general guide to various unallowable costs which may be encountered in long-term care facilities. The absence of a particular type of cost does not necessarily mean that it is an allowable cost.

(1) (No change.)

(2) List of unallowable costs.

(A)-(P) (No change.)

(Q) Interest expense. *Interest is unallowable on loans to pay for [purchase] unallowable items [of expense]; on loans from stockholders, owners, partners, [; on loans from] related organizations, and related parties executed on or after January 1, 1979, [on loans to pay penalties or interest;] and on that portion of interest paid which is reduced or offset by interest income [except interest income from funded depreciation accounts or qualified pension funds.]*

(R)-(CC) (No change.)

Doc. No. 796287

Intermediate Care Facility for Mentally Retarded

Support Documents 326.35.99

The Department of Human Resources proposes to amend Rules 326.35.99.200, .203, and .204 about cost-related reimbursement in its Intermediate Care Facility for Mentally Retarded (ICF-MR) rules. The department is proposing the amendments in an effort to establish more reasonably cost-related rates for ICF-MR facilities. The following changes are being proposed in the rules about cost-related reimbursement for ICF-MR facilities.

(1) To establish rates which reflect more economical and efficient use of facilities, the department is proposing to adjust all facility and administrative costs to an occupancy level of 90%.

(2) Since January 1, 1979, the department has used a facility-by-facility method for reimbursing ICF-MR providers. Presently, all ICF-MR provider costs are placed into a single group and caps and screens are established based primarily on the state school costs which constitute approximately 85% of the report costs. The department is proposing that by using three provider groups—state schools, facilities with 15 beds or less, and all other providers—that more cost-related screens will be set since like facilities will be competing with each other. In addition, new facility rates will be based on the 60th percentile of each of the three groups. This will result in a closer approximation to cost of operation for a given facility.

(3) New ICF-MR providers will be required to submit a cost report after 12 months of contract operations.

(4) New ICF-MR providers may negotiate a lesser rate.

(5) The section describing return on owner's net equity is being deleted since an efficiency incentive is paid in lieu of a return on owner's net equity.

(6) The definition for allowable interest expense is being clarified to allow interest expense on loans executed prior to January 1, 1979, from any lender.

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—434, Department of Human Resources, John H. Reagan Building, Austin, Texas 78701, within 60 days of publication in this *Register*.

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

200. Reimbursement Methodology for Vendor Rates. The Texas Department of Human Resources will reimburse ICF-MR long-term care facilities on a cost-related basis for care rendered to recipients. Daily rates will be determined on a facility-by-facility basis at least annually. These cost-related daily rates will be set using financial and statistical information from cost reports which must be completed by each participating provider at least annually.

(1) Introduction.

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

(C) Each facility which serves the mentally retarded in Texas will be reimbursed on the basis of that facility's historical allowable cost. Before setting rates for next year's patient-day reimbursement, the historical cost base will be inflated by appropriate national and state economic indices. Allowable cost *area* ceilings will be set at the 90th percentile ranking by cost area for all similar institutions. *The maximum allowable cost ceiling will be set at the 90th percentile ranking of all full-year providers.* Each facility's *administration and facility* [fixed] cost will be adjusted if the occupancy rate falls below 90% [85%] for the reporting year. A bonus will be paid on daily rates [rate] for efficient operation. *Facilities with less than a full year historical base will be reimbursed on the basis of the 60th percentile for each cost area for all ICF-MR facilities in its group submitting complete year cost reports for the previous year.* [New facilities (facilities which have no prior operating history) will be paid a daily rate equal to the sum of applicable 60th percentile projected cost area amounts until a rate based on their first full fiscal year is established.] This reimbursement methodology applies to state-owned proprietary and nonproprietary institutions. Governmental providers will not be eligible for the incentive amount. Reimbursement to state institutions will be in accordance with applicable state laws and federal regulations.

(2) Detailed plan characteristics.

(A) (No change.)

(B) Prospective. Rates will be set on a prospective basis. The costs of each facility will be evaluated and a patient daily rate set for cost-reimbursement purpose [for its next fiscal year's operation].

(C) [Classes of] Reimbursement *groups*. Payments will be made on reported *allowable* facility costs irrespective of patient classification or mix. *Three groups of ICF-MR facilities will be established. The same methodology will*

be used to determine reimbursement rates within each group. The three groups are:

(i) *state-operated ICF-MR facilities;*

(ii) *facilities which are operated under the 15 bed or less provision of 42 Code of Federal Regulations 442.508 and 442.509, Medicaid regulations;*

(iii) *all other ICF-MR providers.*

(D) (No change.)

(E) Cost-containment ceilings. All ICF-MR patient-days in *each group* [the state] will be ranked according to cost for each designated cost area; patient care services, dietary services, *and* administrative, and facility services. The 90th percentile cost *in each group* will be considered the maximum allowable cost which the state will reimburse to any facility for cost incurred in the patient care, dietary, and combined administrative and facility cost areas. No cost incurred above the 90th percentile *cost area* ceiling *for its group* will be considered as allowable cost when calculating the facility's reimbursement rate. *The maximum allowable reimbursement rate cannot exceed the 90th percentile ranking of all full-year ICF-MR providers.*

(F) Efficiency incentive. *In lieu of a return on net invested equity of proprietary providers, an efficiency incentive will be paid. This is applicable for nongovernment providers only. To encourage efficient operations when reported costs are below the percentile cost caps* [in the three cost areas, the state pays an efficiency bonus in the amount of 6.0% of the projected cost for each cost area. The cost-containment incentive amount will be added to the facility's allowable cost area amount in calculating its patient-day reimbursement rate for the next *period* [year]. For any cost area, the incentive amount may not exceed the projected 90th percentile cost *ceiling by group* [ceilings] in the three cost areas. In no case, may the total efficiency bonus exceed \$2.00 per Medicaid patient day.

(G)-(H) (No change.)

(I) Occupancy factor. The facility-by-facility cost-finding methodology will be based on an occupancy rate of 90% [85%] for the yearly average. [This is the same methodology as is currently employed in long-term care cost finding.] A facility which reports occupancy below 90% [85%] will have an occupancy rate adjustment applied to adjust *all reported administrative and facility costs* [fixed real estate costs, rent, amortization of leasehold improvements, ad valorem taxes, mortgage interest, and depreciation].

(J)-(K) (No change.)

(L) New facility exception. New facilities (facilities which have no prior operating history) will be paid a daily rate equal to the sum of applicable 60th percentile projected cost area amounts *in its group* until a rate based on their first full [fiscal] year is established.

(i) *New facilities are required to submit a cost report within three months after their first year of operation under the program. This requirement is necessary to establish individual facility rates for those facilities which have no cost reporting history. This requirement is in addition to the annual fiscal year cost report in the event the first year of operation and fiscal year do not coincide. A contract/ownership change does not necessarily constitute a new facility vendor rate. Established facility-by-facility rates will apply to a given facility until historical cost data is provided by the new owner.*

(ii) *New facilities that are Title XIX-certified and contracted prior to January 1, 1980, and receiving an established 60th percentile new facility rate may continue to receive their 1979 new facility rate if the proposed new facility group rate is less than their current rate.*

(iii) *New facilities may request a reimbursement rate that is less than the established 60th percentile new facility rate. This may be allowed due to facility budget constraints. The negotiated rate would remain fixed for a reimbursement period and over-reimbursement procedures would still apply. An increased rate would not be approved during the negotiated rate reimbursement period unless mandated changes occur.*

(M)-(N) (No change.)

.203. *Allowable Costs.* The following described items of expense are not intended to be exhaustive of all possible allowable costs. They are intended to serve only as a general guide. Detailed are many types of costs which can reasonably be anticipated to be incurred in a long-term care facility. The absence of a particular type of cost does not necessarily mean that it is not an allowable cost.

(1) (No change.)

(2) List of allowable costs.

(A)-(C) (No change.)

(D) Real property and personal property expense.

(i)-(ii) (No change.)

(iii) *Interest expense. Generally, interest expenses are allowable on loans for the acquisition of allowable items. Examples include mortgage loans, equipment loans, and working capital loans. However, in order for interest expenses on loans to be considered an allowable cost, borrowings must conform to all of the following specifications:*

(I) *the loan must be necessary in the provision of patient and resident care;*

(II) *borrowings must be in conformity with prudent financial management practices;*

(III) *the loan must be evidenced in writing;*

(IV) *the loan must be in the name of the provider entity as maker or co-maker of the note;*

(V) *a loan executed on and after January 1, 1979, must be from lenders unrelated to the provider entity; loans executed prior to January 1, 1979, may be from any lender.*

[Mortgage, transportation equipment notes (see limitations under transportation equipment depreciation); furniture and other equipment notes; and working capital notes; except allowable interest must be reduced by interest income except from funded depreciation, and qualified pension funds.]

(iv)-(v) (No change.)

(E) (No change.)

(F) Return on net invested equity of proprietary providers.]

.204. *Unallowable Costs.* The following described items of expense are not intended to be exhaustive of all possible unallowable costs. Rather, they are intended to be a general guide to various unallowable costs which may be encountered in long-term care facilities. The absence of a particular type of cost does not necessarily mean that it is an allowable cost.

(1) (No change.)

(2) List of unallowable costs.

(A)-(P) (No change.)

(Q) *Interest expense. Interest expenses are unallowable on loans to purchase unallowable items [of expense]; on loans from stockholders, owners, partners, related organizations, and related parties executed on or after January 1, 1979; on loans from related organizations; on loans to pay penalties or interest; and on that portion of interest paid which is reduced or offset by interest income except interest income from funded depreciation accounts or qualified pension funds.*

(R)-(CC) (No change.)

Issued in Austin, Texas, on September 20, 1979.

Doc. No. 796288

Jerome Chapman

Commissioner

Texas Department of Human Resources

Proposed Date of Adoption: November 28, 1979

For further information, please call (512) 475-4601.

(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 Procedures are being published serially beginning in the September 11 issue. The final installment of these proposals appears in this 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 chapters entitled 24-Hour Care Licensing and General Licensing Procedures appear in this issue.)

24-Hour Care Licensing

Standards for Residential Treatment Centers

326.91.09.001-.021, .023-.061

Standards for Emergency Shelters

326.91.10.001-.048

General Licensing Procedures

Support Documents

326.92.99.600

24-Hour Care Licensing

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*.

Standards for Residential Treatment Centers 326.91.09.001-.021, .023-.032

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

The repeal of Rules 326.91.09.001-.021 and .023-.032 is proposed under the authority of the Human Resources Code, Chapter 42.

- .001. Objectives.
- .002. Governing Body Responsibilities.
- .003. Fiscal Accountability.
- .004. Policies.
- .005. Administrator Qualifications and Responsibilities.
- .006. Staffing.
- .007. Qualifications and Responsibilities of Staff.
- .008. Training.
- .009. Admission Policies.
- .010. Intake Study.
- .011. Emergency Placement.
- .012. Placement in Foster or Adoptive Homes.
- .013. Assessment and Treatment Planning.
- .014. Daily Care.
- .015. Money.
- .016. Community Relationships.
- .017. Education, Work, and Training.
- .018. Residents' Rights.
- .019. Medical and Dental Care.
- .020. Nutrition.
- .021. Discharge.
- .023. Health and Safety.
- .024. Environment.
- .025. Food Preparation, Storage, and Equipment.
- .026. Residents' Records.
- .027. Staff Records.
- .028. Emergency Reports and Records.

.029. *Reports.*

.030. *Definitions.*

.031. *Temporary Exemptions.*

.032. *Providing Care for Children and Adults.*

Doc. No. 795617

326.91.09.033-.061

These new rules are proposed under the authority of the Human Resources Code, Chapter 42.

.033. *Legal Basis for Operation.*

(a) Residential treatment centers (other than those owned by a sole proprietor) shall make available documentation of their legal basis for operation to the Licensing Branch of the Department of Human Resources. The Licensing Branch shall be notified of any changes in the legal basis for operation. The legal basis for operation shall be documented in one of the following ways:

(1) A corporation shall submit a copy of the articles of incorporation and certificate of incorporation.

(2) Residential treatment centers operated by state agencies or other governmental entities shall make available documentation of enabling legislation and a copy of a constitution or bylaws if such exists.

(3) Residential treatment centers operated by a partnership or association shall make available partnership agreements or documents reflecting the existence or creation of an association.

(b) Corporations and churches shall make available to the department a copy of the resolution authorizing the operation of the facility.

.034. *Governing Body Responsibilities.*

(a) All facilities shall have a governing body that is responsible for and has authority over the policies and activities of the residential treatment center. If a center is owned by a partnership, the partners shall be regarded as the governing body for the purposes of this subsection. If a center is owned by a sole proprietor, the responsibilities imposed on a governing body by this subsection shall be borne by that proprietor. Centers that are owned corporately shall provide the department with a list of names, addresses, and titles of the officers and/or executive committees of the governing body. Centers that are owned jointly or individually shall provide the department with a list of names and addresses of the partners or owner.

(b) The governing body shall be responsible for policies and programs, for ensuring adequate financing, and for ensuring compliance with minimum standards.

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

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

(1) an indictment alleging commission of any felony; or

(2) an indictment or official criminal complaint alleging commission of a misdemeanor classified as an offense against the person; or

(3) an indictment or official criminal complaint alleging violation of any law enacted to protect children.

(e) 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.

.035. *Fiscal Accountability.*

(a) The center shall maintain complete financial records. Books shall be audited annually by a certified public accountant. A copy of the accountant's statement of income and disbursements and the opinion letter from the audit report shall accompany the license application for licensed facilities.

(b) New centers shall submit a letter from a certified public accountant stating that the bookkeeping system will be set up so that an audit can be made at the end of each fiscal year.

(c) New centers shall submit a 12-month budget to the Licensing Branch when the signed application is submitted.

(d) New centers shall have predictable funds sufficient for the first year of operation. They shall have reserve funds, or documentation of available credit, equal to the operating costs for the first three months.

.036. *Placement in Foster or Adoptive Home.* A residential treatment center shall be licensed for child-placing activity before it places residents in care into foster or adoptive homes or other institutions.

.037. *Reports and Records.*

(a) Any serious incident involving a resident shall be reported immediately to the parents or managing conservator. Documentation of notification of the child's parents or managing conservator shall be included in the resident's record.

(b) The center shall complete written incident reports concerning serious occurrences involving staff or residents. Each report shall include the date and time of occurrence, the staff member or residents involved, the nature of the incident, and the circumstances surrounding it. A copy of the report shall be filed at the center and shall be available for review by the staff of the Licensing Branch.

(c) The following types of serious occurrences shall be reported to the Licensing Branch within 24 hours or the next working day: suicide attempts, incidents of cruel or abusive treatment, incidents which critically injure or permanently disable a resident, and death of a resident.

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

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

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

(1) any change in administrator;

(2) any impending change that would necessitate a change in the conditions of the license.

(g) The center shall allow the department to visit and inspect the center at all reasonable times.

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

(i) The license shall be displayed at the center.

.038. Policies.

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

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

.039. Administrator Qualifications and Responsibilities.

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

(b) The administrator is responsible for implementing the policies adopted by the governing body, the ongoing operations of the institutions, and compliance with the "Minimum Standards for Residential Treatment Centers."

(c) If the administrator is involved in activities that cause frequent or extended absences from the residential treatment center, an assistant shall be retained to take responsibility for the program and administer the general affairs of the center. This shall be included in the job descriptions and written plans for staffing. If responsibility for the program of the residential treatment center is delegated to an assistant administrator, he or she shall also be licensed.

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

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

(1) an indictment alleging commission of any felony; or

(2) an indictment or official criminal complaint alleging commission of a misdemeanor classified as an offense against the person; or

(3) an indictment or official criminal complaint alleging violation of any law enacted to protect children.

(f) Such reassignment or removal shall remain in effect pending resolution of the charges.

.040. Staffing.

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

(b) The residential treatment center shall employ and supervise staff necessary to ensure the proper care, treatment, and safety of the residents.

(1) The person responsible for the treatment program shall be a full-time staff member, shall have a master's degree in a behavioral science or a related field, and shall have had at least three years experience working with children having problems of adaptation

(2) The staff shall include a person qualified to offer psychiatric services. This shall be a licensed physician who is a psychiatrist or a physician who specializes in children with psychiatric disorders

(3) The staff shall include a person qualified to offer psychological services. He or she shall be a psychologist as defined by the Psychologists' Certification and Licensing Act.

(4) The staff shall include a person qualified to do social work services. He or she shall have a master's degree in social work from a school accredited by the Council on Social Work Education

(5) When the staff does not include professionals qualified to provide psychiatric, psychological, and social

work services on a full-time basis, arrangements shall be made to obtain these services on a consulting basis. The authority and participation of these professionals shall be such that they have professional responsibility for supervising and reviewing the needs and treatment of a resident. Documentation of the services provided by these professionals and the frequency of the services shall be made.

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

(1) There shall be at least one mental health worker on duty during waking hours for every four residents under the age of five, and one mental health worker for every eight residents five years old and older.

(2) The staff-resident ratio applies to the total facility and includes children of staff who live in child care units. Staff shall be available to residents in care. Only mental health staff or volunteers meeting the same qualifications may be counted in the staff-resident ratio.

(3) During sleeping hours one mental health worker shall be in the living unit for every 16 residents. However, if night staff is awake, one mental health worker shall be in the living unit for every 24 residents. In addition to required staff, at least one staff person shall be on call in case of an emergency.

(d) If residents requiring constant supervision are admitted for treatment, they shall be supervised by awake staff at the ratio of one staff member for every 16 residents.

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

.041. Qualifications and Responsibilities.

(a) No one may serve as a staff member working 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.

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

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

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

(c) Persons with symptoms of communicable disease shall not be allowed at the residential treatment center.

(d) Persons whose behavior endangers the residents shall not be allowed at the residential treatment center.

(e) Staff or household members shall have a tuberculosis test within 12 months prior to employment. A report of a negative skin test or a negative chest x-ray is mandatory. Any additional testing shall be based on recommendations of the Texas Department of Health or local public health authorities.

(f) Every 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.

(g) Mental health workers shall be at least 18 years old and be able to read and write.

.042. Training.

(a) The residential treatment center shall provide orientation for new staff.

(b) All staff working with residents shall receive annually at least 50 hours of in-service training related to children's services. In-service training for staff working with residents shall be documented. This shall include the date, the subject, and name of the person who conducted the training.

(c) First aid training is required for mental health workers who are not a licensed/certified health professional.

(1) First aid training received or scheduled shall be documented for mental health workers.

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

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

.043. Staff Records. Personnel records shall be maintained for each employee. These records shall contain information on:

(1) qualifications for the position;

(2) tuberculosis test reports for staff as required by

Rule .041(e).

(3) health certificate, if applicable, as required by

Rule .041(f);

(4) date, name of contact, and information received from pre-employment references;

(5) conviction record statement;

(6) date of employment;

(7) date and reason for separation;

(8) forwarding address of separated employees.

.044. Admission Policies.

(a) A residential treatment center shall admit only individuals for whom it has an operational program and who meet the admission policies. The admission policies shall specify whether the center will admit residents who are a danger to self or others.

(1) The residential treatment center shall have written admission policies which specify the age, sex, and type of residents served. A copy shall be submitted to the Licensing Branch.

(2) If a change in the admission policies is adopted which requires changes in the conditions of the license, the residential treatment center shall apply to the department for a new license.

(b) Children who are a danger to self or others shall be admitted or continued in care only if:

(1) the physical plant or setting provides sufficient security to prevent harm to self or others, and

(2) medical or behavioral care is available 24 hours a day by a licensed physician.

(c) It shall be documented that the facility or setting has adequate security and it shall be documented that 24-hour care is immediately available from a licensed physician.

(d) A center shall not accept more residents than the maximum number specified on the license or children whose age and sex are inconsistent with the conditions of the license.

(e) A written psychiatric or psychological diagnostic evaluation obtained within six months prior to admission shall be included in each resident's clinical record.

(f) A residential treatment center shall not offer, at the same time and in the same facility, two types of care that conflict with the best interests of the residents and the use of staff or facility. The residential treatment center shall document that there is no such conflict.

(g) No individual shall be denied admission to the center because of race.

(h) The center shall not provide care for a resident who has not had a medical examination by a licensed physician within 30 days prior to admission or within 30 days after admission. Residents being transferred from an agency who have had a medical examination within the past year are exempt. The medical examination shall be documented in the resident's record.

(i) Residents shall have a dental examination by a licensed dentist within six months prior to admission or arrangements shall be made for one within 30 days after admission. Residents being transferred from an agency who have had a dental examination within the past year are exempt. Documentation of the examination shall be in the child's medical record.

(j) Residents shall be tested for tuberculosis according to the recommendations of the Texas Department of Health or local public health authorities.

.045. Intake Study.

(a) Except in an emergency placement, the residential treatment center shall not accept an individual for care until an intake study has been made and the center has determined that the placement meets the needs and best interests of the individual and his or her parents or managing conservator.

(b) The intake study shall be developed by a person having one of the following qualifications:

(1) a master's degree in social work from an institution accredited by the Council on Social Work Education and a minimum of one year experience in children's or family services;

(2) a graduate degree in behavioral or social science from an accredited college or university and two years experience in children's or family services;

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

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

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

(c) The intake study shall be filed in the resident's record and shall include at least the following information:

(1) a description of family relationships and the circumstances that make the placement necessary;

(2) the individual's developmental history and medical history;

(3) the parents' or managing conservator's expectations of treatment, family involvement, and the time and treatment required;

(4) the resident's understanding of residential treatment;

(5) a description of the individual's personality, behavior, and interests;

(6) the individual's educational needs and level of functioning;

(7) histories of previous treatment and placement outside the individual's home;

(8) a statement about the individual's legal status;

(9) a statement of the individual's needs;

(10) the reason for choosing residential treatment;

(11) the goals of placements;

(12) the name of the person who is responsible for the relationship with the treatment center and the resident.

(d) The intake process shall include a discussion with the individual and his or her parents or managing conservator. This discussion shall be documented.

(e) The center's policies and procedures shall name staff responsible for reviewing the intake study and determining who shall be admitted.

(f) At the time of placement, a written agreement shall be made between the residential treatment center and the resident's parents or managing conservator. A copy of this agreement shall be in the resident's record. The agreement shall include:

(1) authorization to care for the resident;

(2) a medical consent form signed by a person authorized to give consent.

(g) Before admission, or at the time of admission, the center shall provide written material to the resident's parents or managing conservator which specifies:

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

(2) information on the nature and frequency of reports to the resident's parents or managing conservator;

(3) the center's policy concerning discipline;

(4) the center's policy or program concerning religious training;

(5) the name of the person or office that parents or managing conservators can contact if they feel their child's rights have been violated;

(6) information regarding trips;

(7) if the center has a school program, information concerning its accreditation, approval, or lack thereof by the Texas Education Agency.

(h) The center shall provide orientation for new residents.

.046. Emergency Placement. When an emergency placement has been made, an intake study shall be completed within 30 days. The center shall document the conditions that make emergency placement necessary. The center shall document that the intake study began within five days of admission.

.047. Residents' Records.

(a) Accurate and current records shall be maintained for each resident in care. In addition to other required documentation, each resident's record must include: name, date of birth, place of birth, sex, religion, race; names and addresses of parents, brothers, and sisters; names and addresses of other persons with a significant relationship with the resident, date of admission, psychiatric or psychological examination, birth certificate or other document which establishes identity, if available. Records without these documents shall reflect correspondence generated at least every three months to obtain such, a copy of any court order related to managing or possessory conservatorship, and date of discharge.

(b) The center shall ensure that case records are kept confidential and inaccessible to unauthorized persons.

(1) Information in case records shall be disclosed only for direct and authorized services to the resident or the administration of the treatment center.

(2) These records shall be at the center and available to the department for review.

.048. Plan of Service.

(a) A diagnostic assessment and treatment plan shall be developed and recorded in the resident's case folder within 30 days of admission.

(1) Diagnosis, prognosis, and estimated length of treatment shall be entered in the case record.

(2) The assessment shall include and document the physical, psychological, family, social, educational, and recreational needs of the resident.

(3) The treatment plan shall specify how the needs of the resident shall be met.

(4) The objectives of treatment shall be specific. The treatment plan shall include specific instructions and shall be shared with other staff members.

(b) The treatment plan shall be reviewed at least every three months by the center. Information obtained from the parent or managing conservator, or referring agency, and the resident shall be considered.

(1) Review of the treatment plan shall be documented in the resident's record. The review shall note progress toward achieving objectives or changes in objectives based on increased information about the resident or the resident's family situation.

(2) Staff members involved in the review shall be noted.

(3) When a treatment plan has been reviewed, appropriate information shall be shared with the parents or managing conservator, referring agency, and the resident. This shall be documented in the case record.

(c) Residential treatment centers providing care for children and adults are required to meet the standards in Rule .061.

.049. Daily Care.

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

(b) The residential treatment center shall see that each resident is supplied with personal clothing suitable to the resident's age and size. It shall be comparable to the clothing of other children in the community. Residents shall have some choice in selecting their clothing.

(c) Residents shall be given training in personal care, hygiene, and grooming. Each resident shall be supplied with equipment for personal care, hygiene, and grooming.

(d) The center shall make available supervised indoor and outdoor recreation and equipment so that every resident may participate.

(e) The residential treatment center shall develop and document a plan for the participation of residents in community life. The plan shall cover the formation of friendships outside the center. Community participation, including the development of friendships outside the center, shall only be prohibited if the treatment plan for the resident does not permit such participation. Such a prohibition shall be signed by a licensed psychiatrist or psychologist and filed in the case records.

.050. Money.

(a) The residential treatment center shall provide residents with guidance in money management.

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

(c) A resident shall not be required to use earned money to pay for room, board, and clothing unless it is a part of the treatment plan and approved by the parents or managing conservator and the director.

.051. Trips Away from the Residential Treatment Center.

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

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

.052. Education, Work, and Training.

(a) The residential treatment center shall arrange an education appropriate for each resident.

(b) The center shall provide for the social and educational needs of the residents.

(c) The center shall distinguish between tasks residents are expected to perform as a part of living together, jobs to earn money, and jobs performed for vocational training.

.053. Residents' Rights and Privileges.

(a) The staff of the residential treatment center shall allow privacy for each child.

(b) Each resident shall have a quiet area where he or she can withdraw from the group when appropriate.

(c) Contacts between the resident and his or her parents or managing or possessory conservator shall be allowed while the resident is in care unless the rights of the parents have been terminated by court order or family contact is not in the resident's best interest. The frequency of contact shall be based on the needs of the resident and shall be determined with the participation of his or her family or managing conservator and center staff. Any limitations shall be filed in the resident's record.

(1) Residents shall be allowed to send and receive mail and have telephone conversations with family members, managing or possessory conservator unless the best interest of the resident or a court order necessitates restrictions.

(2) If restrictions on communications or visits are necessary, these shall be reviewed monthly by a psychiatrist, licensed psychologist, or social worker with a master's degree in social work. These monthly evaluations shall be documented in the resident's record giving reasons for restrictions.

(3) If limits are put on communications or visits for practical reasons, the limits shall be determined with the participation of the resident and his or her parents or managing conservator.

(d) The center shall have clearly written policies regarding visits, gifts, mail, and telephone calls between the resident and his or her family, managing or possessory conservator prior to admission.

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

(f) The center shall not place a resident in a position of having to acknowledge his or her dependency, destitution, or

neglect. The center shall not require the resident to make statements regarding his or her dependence on the center.

(g) The center shall not require a resident to make public statements to acknowledge gratitude to the center.

(h) Residents shall not be required to perform at public gatherings.

(i) Pictures, reports, or identification that humiliate, exploit, or invade the privacy of a child or his or her family or managing conservator shall not be made public. The center shall not use reports or pictures from which residents can be identified without written consent from the resident and the parents or managing conservator.

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

(k) The opinions and recommendations of the residents shall be considered in the development and continued evaluation of therapeutic programs. The procedure for this shall be documented and available for review by the Licensing Branch.

(l) The center shall have written policies for control and discipline of residents. Copies of the center's discipline policy shall be available to staff and submitted to the Licensing Branch with each application for a license.

(m) Discipline shall be consistent with the policies of the center and shall not be physically or emotionally damaging.

(1) Only staff members shall discipline residents.

(2) Residents shall not be subjected to cruel, severe, unusual, or unnecessary punishment.

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

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

(5) Discipline or control shall fit the needs of each resident.

(6) Residents shall not be punished by shaking, striking, or spanking.

(n) Physical and mechanical restraint shall be used only when necessary to protect the resident from injury to self or others.

(1) In an emergency, only physical holding shall be used unless a physician orders mechanical restraint.

(2) Physical holding or mechanical restraints shall be used only when necessary to protect the resident from injury to self or others.

(3) The need for restraint, the type of restraint used, and the length of time the restraint was used shall be written in the resident's case record.

(4) If physical restraint is used other than in an emergency, it shall be used only upon the orders of a licensed physician.

(5) An order for physical restraint shall designate the type of restraint to be used, the circumstances under which it is to be used, the duration of its use, and the frequency of observation.

(6) A staff member shall observe the resident in restraints on a regular and frequent basis, in accordance with physician's orders. Each observation shall be documented.

(7) Physician's orders for restraint shall be renewed each 24 hours. The physician shall see the resident, determine the need for physical restraint, and sign the written instructions each 24 hours.

(o) A resident shall not be placed alone in a locked room except on the order of a licensed physician, psychiatrist, or psychologist. This shall never be done as a form of punishment.

(1) If a resident is locked alone in a room, the licensed physician's, psychiatrist's, or psychologist's orders regarding its use shall be in writing, made known to staff members, and followed exactly.

(2) If a resident remains in seclusion for longer than 24 hours, the physician's or psychologist's orders must be renewed in writing every 24 hours after the physician or psychologist has observed the resident in seclusion.

(3) A staff member shall observe the resident in seclusion on a regular and frequent basis. The frequency of observation shall be part of the written orders of the physician, psychiatrist, or psychologist. Each observation shall be documented.

(4) The need or reason for seclusion shall be made clear to the resident and shall be recorded in his or her case record. The length of time in seclusion shall also be recorded.

(p) Residents in care shall not act as or be employed as staff.

.054. Medical and Dental Care.

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

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

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

(b) Residents shall be examined annually by a licensed physician. Documentation of the examination signed by a licensed physician shall be filed in the resident's records.

(c) Facilities for medical isolation shall be available.

(d) Residents shall have a dental examination by a licensed dentist at least once a year. Documentation of the examination shall be filed in the child's medical record.

(e) Provisions shall be made for emergency medical and dental care.

(f) The center shall comply with current laws, rules, and regulations regarding immunization of children.

(g) The center shall comply with laws, rules, and regulations regarding acquisition, storage, and administration of medications.

(h) Medication records shall include the medications given, the time, the dosage, and the name of the person administering the medication. Prescribed medication shall be given by an adult staff member as directed by a licensed physician.

(i) Current medical and dental records shall be maintained for each resident. The record shall include a record of each visit to a physician or dentist and recommended treatment. Treatment shall be provided as indicated.

.055. Nutrition. Residents shall be given food of adequate quality and in sufficient quantity to supply the nutrients needed for growth and development as follows:

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

(2) Residents shall have three meals daily and snacks.

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

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

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

.056. Discharge.

(a) The professional, clinical staff shall involve the following persons, as appropriate, in planning the discharge of a resident from the center:

(1) the resident;

(2) the resident's parents or managing conservator.

(b) Before discharging a resident the professional, clinical staff shall review the plan of service and determine which objectives have been met.

(c) In the event of an emergency discharge and the center is unable to plan for the discharge with the appropriate persons, the center shall document the circumstances surrounding the emergency discharge in the resident's record.

(d) The center shall not discharge a resident to anyone other than the parent or managing conservator, without written authorization from the parent or managing conservator.

(e) When a resident is discharged because he or she is a danger to self or others, a staff member shall accompany the resident to meet his or her parent or managing conservator.

(f) The discharge plan shall be recorded in the resident's record. The circumstances of the discharge shall be documented. The name, address, and relationship of the person to whom the resident is discharged shall be recorded.

.057. Health and Safety.

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

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

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

(3) Gas pipes must be pressure tested by the local gas company or a licensed plumber.

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

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

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

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

.058. Environment.

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

(1) Outdoor areas shall be well drained.

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

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

(4) Anything flammable or poisonous shall be in locked storage away from heat and out of residents' reach. This includes paints containing lead and poisonous gases.

(5) Explosive materials, firearms, and projectiles must be in locked storage out of the residents' reach.

(b) Animals on the premises shall be vaccinated and treated according to the recommendations of a licensed veterinarian to protect the health of the residents. Vaccinations and treatment shall be provided as the veterinarian recommends. Documentation of vaccinations and treatment shall be on file at the facility.

(c) Centers shall take steps to keep the facilities free of rodents, insects, and stray animals.

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

(e) A sleeping room shall have at least 60 square feet per resident person. Single bedrooms shall have at least 90 square feet of floor space.

(f) Sketches of floor plans showing dimensions and purpose of all rooms shall be submitted to the Licensing Branch when the signed application is submitted.

(g) Furniture shall not block exits.

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

(1) Linens shall be changed as often as required for cleanliness and sanitation, or at least once a week.

(2) All mattresses shall have covers or protectors.

(3) Bedwetters shall have their linens changed as often as they are wet.

(i) There shall be personal storage space for each resident's clothing and possessions. Storage space shall be within reach of residents who are able to look after their own needs.

(j) No resident over six years old shall share a bedroom with a person of the opposite sex.

(k) There shall be one lavatory, one tub or shower with hot and cold running water, and one toilet for every eight residents.

(1) Separate toilet and bath facilities shall be provided for boys and girls over six years old.

(2) Bathrooms shall be near the sleeping area.

(3) Bathrooms shall be cleaned daily.

.059. Food Preparation, Storage, and Equipment. Food and drink shall be of safe quality and prepared and served in a sanitary manner.

(1) Food preparation, dining, and storage areas, equipment, and furniture shall be kept clean and in good repair.

(2) Food shall be stored off the floor in covered containers that are insect and rodent proof or refrigerated.

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

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

.060. Definition. A residential treatment center is a child-caring institution which provides residential care and treatment for emotionally disturbed children and adolescents.

.061. Providing Care for Children and Adults.

(a) Residential treatment centers providing care for children and adults shall ensure that the required staff-resident ratio is maintained for the children in care. This shall be accomplished by one of two alternatives.

(1) Specific staff shall be assigned to work exclusively with the children in care. Job descriptions and staffing assignments shall show no conflicts in assignments to resident care staff.

(2) If staff assignments are such that staff must be responsible for children and adults, then the required staff-resident ratio shall be maintained for all the residents in care.

(b) Adult residents cannot be counted as staff in the staff-resident ratio.

(c) Residential treatment centers providing care for children and adults shall ensure that the required 40 square feet of indoor area per resident is maintained for the children in care. The indoor areas are places where residents can gather for quiet, reading, study, relaxation, entertainment, or recreation. Bedrooms, halls, kitchens, and any rooms not available to residents in care shall not be included in the minimum space requirement. This shall be accomplished by one of two alternatives.

(1) A specific indoor area shall be assigned to be used exclusively by the children in care.

(2) If children and adults must share the living area, then the required minimum square footage shall be maintained for all the residents in care.

(d) Residential treatment centers providing care for children and adults shall ensure that the required 60 square feet of bedroom space per occupant is maintained for the children in care. This shall be accomplished by one of two alternatives.

(1) Specific bedroom areas shall be assigned to be used exclusively by the children in care.

(2) If bedroom areas are shared by children and adults, then the minimum square footage shall be maintained for all the residents in care.

(e) The institution shall complete written incident reports concerning serious occurrences involving staff or residents. Each report shall include the date and time of occurrence, the staff member or resident involved, the nature of the incident, and the circumstances surrounding it. A copy of the report shall be filed at the institution and shall be available for review by the staff of the Licensing Branch.

(f) Any incident which critically injures, permanently disables, or results in death to a resident shall be reported to the Licensing Branch within 24 hours or the next working day.

(g) If adults are allowed responsibility for their own medication, the institution shall establish safeguards to prevent children in care from having access to the medications.

(h) Adults in care shall have a tuberculosis test within 12 months prior to admission. A report of a negative skin test or a negative chest x-ray is mandatory. Any additional test-

ing shall be based on recommendations of the Texas Department of Health or local health authorities.

Doc. No. 795618

Standards for Emergency Shelters 326.91.10.001-.025

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

The repeal of Rules 326.91.10.001-.025 is proposed under the authority of the Human Resources Code, Chapter 42.

- .001. Objectives.
- .002. Governing Body Responsibilities.
- .003. Fiscal Accountability.
- .004. Policies.
- .005. Administrator Qualifications and Responsibilities.
- .006. Staffing.
- .007. Qualifications and Responsibilities.
- .008. Training.
- .009. Admission Policies.
- .010. Admission Procedures.
- .011. Placement in Foster Adoptive Homes.
- .012. Daily Care.
- .013. Children's Rights.
- .014. Medical and Dental Care.
- .015. Nutrition.
- .016. Discharge.
- .017. Health and Safety.
- .018. Environment.
- .019. Food Preparation, Storage, and Equipment.
- .020. Children's Records.
- .021. Staff Records.
- .022. Emergency Reports and Records.
- .023. Reports.
- .024. Definitions.
- .025. Temporary Exemptions.

Doc. No. 795619

326.91.10.026-.048

These new rules are proposed under the authority of the Human Resources Code, Chapter 42.

.026. Legal Basis for Operation.

(a) Emergency shelters (other than those owned by a sole proprietor) shall make available documentation of their legal basis for operation to the Licensing Branch of the Texas Department of Human Resources. The Licensing Branch shall be notified of any changes in the legal basis for operation. The legal basis for operation shall be documented in one of the following ways:

(1) An incorporated emergency shelter shall state its purposes in the articles of incorporation. A corporation shall make available a copy of the articles of incorporation and certificate of incorporation.

(2) Emergency shelters operated by state agencies or other governmental entities shall make available documen-

tation of enabling legislation and a copy of a constitution or bylaws, if such exists.

(3) Emergency shelters operated by a partnership or association shall make available partnership agreements or documents reflecting the existence or creation of an association.

(b) Churches and corporations shall make available to the department a copy of the resolution authorizing the operation of the facility.

.027. Governing Body Responsibilities.

(a) All facilities shall have a governing body that is responsible for and has authority over the policies and activities of the emergency shelter. If an emergency shelter is owned by a partnership, the partners shall be regarded as the governing body for the purposes of this subsection. If an emergency shelter is owned by a sole proprietor, the responsibilities imposed on a governing body by this subsection shall be borne by that proprietor.

Shelters that are owned corporately shall provide the department with a list of names, addresses, and titles of the governing body, the officers, and/or executive committee. Shelters that are owned jointly or individually shall provide the department with a list of names and addresses of the partners or owners. The Licensing Branch shall be notified of any changes.

(b) The governing body shall be responsible for policies and programs, for ensuring adequate financing, and for ensuring compliance with minimum standards.

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

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

(1) an indictment alleging commission of any felony; or

(2) an indictment or official criminal complaint alleging commission of a misdemeanor classified as an offense against the person; or

(3) an indictment or official criminal complaint alleging violation of any law enacted to protect children.

(e) 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.

.028. Fiscal Accountability.

(a) The emergency shelter shall maintain complete financial records. Books shall be audited annually by a certified public accountant. A copy of the accountant's statement of income and disbursements, and the opinion letter from the audit report shall accompany the license application for licensed facilities.

(b) New emergency shelters shall submit a letter from a certified public accountant stating that the bookkeeping system will be set up so that an audit can be made at the end of each fiscal year.

(c) New emergency shelters shall submit a 12-month budget to the Licensing Branch when the signed application is submitted.

(d) New shelters shall have predictable funds sufficient for the first year of operation. They shall have reserve funds, or documentation of available credit, equal to the operating costs for the first three months.

.029. Placement in Foster or Adoptive Homes. An emergency shelter shall be licensed for child-placing activity before it places individuals in care into foster or adoptive homes or another institution.

.030. Reports and Records.

(a) Any serious incident involving a child shall be reported immediately to the parents or managing conservator. Documentation of notification of the child's parents or managing conservator shall be included in the child's record.

(b) The emergency shelter shall complete written incident reports concerning serious occurrences involving staff or children. Each report shall include the date and time of occurrence, the staff member or children involved, the nature of the incident, and the circumstances surrounding it. A copy of the report shall be filed at the institution and shall be available for review by the staff of the Licensing Branch.

(c) The following types of serious occurrences shall be reported to the Licensing Branch within 24 hours or the next working day: suicide attempts, incidents of cruel or abusive treatment, incidents which critically injure or permanently disable a child, and death of a child.

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

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

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

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

(g) The emergency shelter shall allow the department to visit and inspect the emergency shelter at reasonable times.

(h) The emergency shelter's records shall be available at the facility and open for review by the Licensing Branch.

(i) The license shall be on display at the emergency shelter.

.031. Personnel Policies.

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

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

.032. Administrator Qualifications and Responsibilities.

(a) The administrator shall be licensed as provided by the Human Resources Code, Chapter 41.

(b) The administrator is responsible for implementing the policies adopted by the governing body, the ongoing operation of the emergency shelter, and compliance with the "Minimum Standards for Emergency Shelters."

(c) If the administrator is involved in activities that cause frequent or extended absences from the emergency shelter, an assistant shall be retained to take responsibility for the program and administer the general affairs of the institution. This shall be included in the job descriptions and written plans for staffing. If responsibility for the program of the shelter is delegated to an assistant administrator, he or she shall also be licensed.

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

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

- (1) an indictment alleging commission of any felony; or
- (2) an indictment or official criminal complaint alleging commission of a misdemeanor classified as an offense against the person; or
- (3) an indictment or official criminal complaint alleging violation of any law enacted to protect children.

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

.033. Staffing.

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

(b) The emergency shelter shall employ and supervise staff necessary to ensure the health and safety of the children in care.

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

(1) There shall be at least one child care worker on duty during waking hours for every four children under the age of five, and one child care worker for every eight children five years old and older.

(2) The staff-child ratio applies to the total facility and includes children of staff who live in child care units. Staff shall be readily available to children. Only child care staff or volunteers meeting the same qualifications may be counted in the staff-child ratio.

(3) During sleeping hours, one child care worker shall be in the living unit for every 16 children. However, if night staff is awake, one child care worker in the living unit for every 24 children is required. In addition to required staff, at least one staff person shall be on call in case of an emergency.

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

.034. Qualifications and Responsibilities

(a) No one may serve as a staff member working with children who has been convicted within the preceding 10 years of any felony or of any misdemeanor classified as a violation of any law enacted to protect children.

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

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

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

(c) Persons with symptoms of communicable disease shall not be allowed at the shelter.

(d) Persons whose behavior endangers the children shall not be allowed at the shelter.

(e) Staff members or household members shall have a tuberculosis test within 12 months prior to employment. A report of a negative skin test or a negative chest x-ray is mandatory. Any additional testing shall be based on recommendations of the Texas Department of Health or local public health authorities.

(f) Every staff member, employee, or volunteer who regularly prepares or serves food in the shelter 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.

(g) Child care staff shall be at least 18 years old and be able to read and write.

.035. Training.

(a) The emergency shelter shall provide orientation for all new staff.

(b) All staff working with children shall receive annually 15 hours of in-service training related to children's services.

(1) In-service training for staff working with children shall be documented. This shall include the date, the subject, and the name of the person who conducted the training.

(2) Child care and supervisory staff shall be trained in admission and referral procedures and in helping children with separation from parents and family.

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

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

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

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

.036. *Staff Records.* Personnel records shall be maintained for each employee of the emergency shelter. These records shall contain information on:

- (1) qualifications for the position;
- (2) tuberculosis test reports for all staff;
- (3) health certificate, if applicable;
- (4) date, name of contact, and information received from pre-employment references;
- (5) conviction record statement;
- (6) date of employment;
- (7) date and reason for separation;
- (8) forwarding address of separated employees.

.037. Admission Policies.

(a) An emergency shelter shall admit only those children for whom it has an operational program and who meet the admission policies.

(1) The shelter shall have written admission policies which specify the age, sex, and type of children served. A

copy of the admission policies shall be submitted to the Licensing Branch when the signed application is submitted.

(2) If a change in the admission policies is adopted which requires changes in the conditions of the license, the shelter shall apply to the department for a new license.

(b) An emergency shelter shall not accept more children than the maximum number specified on the license or children whose age and sex violates the conditions of the license.

(c) A child under five years old shall remain in care in an emergency shelter for not more than five working days unless he or she has a sibling over five years old in the emergency shelter. Infants under 12 months old shall be allowed to remain in an emergency shelter no longer than 96 hours. If an unusual circumstance requires extending the placement of an infant beyond 96 hours, or child under five years old beyond five working days, it shall be documented.

(d) A child five years old or older shall remain in care in an emergency shelter for not more than 30 days. If an emergency requires extending the child's placement, it must be documented.

(1) A child five years old or older shall remain in the shelter beyond 30 days only if placement is pending by an individual or agency other than the shelter or placing party. The names and addresses of such parties shall be in the child's case record.

(2) If a child five years old or older needs to remain beyond 30 days, the case record shall contain a discharge plan and the reasons why this plan has not been carried out.

(e) No child shall be denied admission to the emergency shelter because of race.

(f) An emergency shelter shall not offer, at the same time and in the same facility, two types of care that conflict with the best interests of the children, the use of staff, or the use of the facility. The shelter shall document that there is no such conflict.

(g) Each child shall receive a health screening examination within 48 hours after admission or on the first working day.

(1) The screening examination shall be given by a health professional (licensed physician, registered nurse, licensed vocational nurse, or paramedic).

(2) If the child is coming from a medical setting, a statement from a licensed physician may be accepted in place of the examination.

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

.038. Intake Information.

(a) On admission, shelter staff shall start a record that identifies the child and his or her immediate needs. During admission, the following information shall be obtained when possible:

- (1) child's immediate needs;
- (2) name of the referral source—placing agency or individual;
- (3) date and time of placement;
- (4) reason for emergency placement;
- (5) description of the child's condition as observed by the intake worker;
- (6) child's understanding of emergency shelter care;
- (7) child's feelings about the crisis situation and shelter care.

(b) The following information shall be obtained at admission or within seven days after admission:

(1) child's identity;
 (2) name and address of the child's parents or managing conservator;

(3) medication the child is taking;
 (4) allergy to medication or food.

(c) The shelter's policies and procedures shall document which staff reviews admission information and makes admissions.

(d) When a child is admitted, efforts shall be made to contact the child's parents or managing conservator within 24 hours. If the parents or managing conservator cannot be contacted, the shelter staff shall notify a public agency (child welfare, juvenile probation, or police department) of the child's presence. Efforts to contact the parents or managing conservator and contacts with public agencies shall be documented in the child's case record.

(e) The emergency shelter shall provide orientation for new children.

.039. Children's Records.

(a) Accurate and current records shall be maintained for each child in care. In addition to other required documentation, each child's record must include: name, date of birth, place of birth, sex, religion (if known), race; names and addresses of parents, brothers, and sisters; names and addresses of other persons who have a significant relationship with the child; date of admission, and date of discharge.

(b) The emergency shelter shall ensure that case records are kept confidential and inaccessible to unauthorized persons.

(1) Information in case records shall be disclosed only for direct and authorized services to the child or the administration of the emergency shelter.

(2) These records shall be at the shelter and available to the Licensing Branch for review.

(3) Records from other agencies shall not be released without written consent of that agency.

.040. Daily Care.

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

(b) The emergency shelter shall provide for the immediate needs of the children.

(c) The emergency shelter shall obtain professional consultation and treatment for children with urgent special needs. When such services are obtained, documentation shall be in the child's record.

(d) The emergency shelter shall see that each individual is supplied with personal clothing, suitable to the child's age and size. It shall be comparable to the clothing of others in the community. Children shall have some choice in selecting their clothing.

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

(f) The emergency shelter shall provide supervised indoor and outdoor recreation and equipment so that every child may participate.

(g) A child's personal money shall be accounted for separately from the emergency shelter's funds.

(h) The emergency shelter shall distinguish between tasks which children are expected to perform as a part of living together and jobs to earn spending money.

.041. Children's Rights.

(a) The staff of the emergency shelter shall allow privacy for each child.

(b) Each child shall have access to a quiet, private area where he or she can withdraw from the group when appropriate.

(c) Contacts between the child and his or her parents or managing conservator shall be allowed while the child is in care unless the rights of the parents have been terminated by court order or family contact is not in the child's best interest. The frequency of contact shall be based on the needs of the child, and shall be determined with the participation of his or her family or managing conservator, and emergency shelter staff.

(1) Children shall be allowed to send and receive mail and conduct telephone conversations with family members or managing conservator unless the best interests of the child or a court order necessitates restrictions.

(2) If restrictions on communications or visits are necessary, these shall be evaluated monthly by a psychiatrist, licensed psychologist, social worker with a master's degree in social work, or a licensed administrator. These monthly evaluations shall be documented in the child's record giving reason for restrictions.

(3) If limits are put on communications or visits for practical reasons, the limits shall be determined with the child and his or her family. These limits shall be documented in the child's record.

(d) The shelter shall have written policies regarding visits, gifts, mail, and telephone calls between the child and his or her family or managing conservator. These policies shall be available for review by the Licensing Branch.

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

(f) The emergency shelter shall not place a child in a position of having to acknowledge his or her dependency, destitution, or neglect. The shelter shall not require the child to make statements regarding his or her background or dependence on the shelter for care.

(g) The emergency shelter shall not require a child to make public statements to acknowledge gratitude to the emergency shelter.

(h) Children in care shall not be required to perform at public gatherings.

(i) Pictures, reports, or identification that humiliate, exploit, or invade the privacy of a child or his or her family or managing conservator shall not be made public. The emergency shelter shall not use reports or pictures from which children can be identified without written consent from the child and the parents or managing conservator.

(j) There shall be no racial discrimination by the emergency shelter.

(k) Children's opinions and recommendations shall be considered in the development and evaluation of the emergency shelter's program and activities. The procedure for this shall be documented. A copy of the procedure shall be available for review by the Licensing Branch.

(l) The emergency shelter shall have written policies for the discipline of children in care. Copies of the policies shall be provided to staff. Copies of the discipline policy shall

be submitted to the department with each application for a license.

(1) Only adult staff members shall discipline children.

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

(3) A record shall be kept of the imposition of restrictions to the emergency shelter that exceed 24 hours.

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

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

(6) Discipline shall fit the needs of the child.

(7) Children in care shall not be punished by shaking, striking, or spanking.

(m) Physical holding as a form of restraint shall be used only to protect the child from injury to self or others. The use of physical holding and the length of time used shall be recorded in the child's record. Mechanical restraint shall not be used.

(n) Children can only be placed in a locked room until they can be taken for immediate medical treatment. Any seclusion of a child shall be recorded in the child's record.

(o) Children in care shall not act as or be employed as staff.

.042. Medical and Dental Care.

(a) The emergency shelter shall have written policies and procedures for obtaining diagnosis and treatment of emergency medical and dental problems demanding immediate attention.

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

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

(b) Medical information for each child shall be obtained at admission or as soon as possible after admission. The following information shall be included in the child's medical record:

(1) any medications the child is taking;

(2) any chronic health problems such as severe allergies, seizures, diabetes, hearing or sight loss, or heart conditions.

(c) A room for medical isolation shall be available.

(d) The emergency shelter shall comply with laws, rules, and regulations regarding immunizations of children. Requirements of the Texas Department of Health regarding immunizations of children in shelters shall be followed. An opinion rendered by the chief, Bureau of Communicable Disease Services, Texas Department of Health, stated in part: "Those children in the shelters less than thirty (30) days could start immunizations when placed in a more permanent care facility."

(e) The emergency shelter shall comply with laws, rules, and regulations regarding acquisition, storage, and administration of medications.

(f) Medication records shall include the medication given, the time, the dosage, and the name of the person administering the medication. Prescribed medication shall be given by an adult staff member.

(g) Medical records shall be maintained for each child. The record shall include:

(1) Medical consent form signed by a person authorized by the Texas Family Code to give consent. If the shelter is unable to obtain written consent, notation shall be made in the record. Oral consent shall be followed by written consent as soon as possible. If the shelter is unable to get consent, the attempts made and the reasons why it was not obtained shall be documented in the medical record.

(2) Record of screening exam.

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

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

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

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

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

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

.044. Discharge.

(a) The following person shall be involved in planning for the discharge of a child from the emergency shelter:

(1) the child;

(2) the child's parents or managing conservator;

(3) shelter staff.

(b) If, in the event of an emergency discharge, the emergency shelter is unable to plan for the discharge with the appropriate persons, the emergency shelter shall document circumstances surrounding the emergency discharge in the child's record.

(c) The emergency shelter shall not discharge a child to anyone other than the parent, managing conservator, Department of Human Resources child protective staff, or law enforcement agency staff except on notarized authorization from the parent or managing conservator.

(1) The person to whom a child is discharged shall present identification and sign a discharge form.

(2) The name, address, and relationship of the person to whom the child is released shall be recorded.

(d) The discharge plan for the child shall be recorded in the child's record. The circumstances surrounding the discharge shall be documented in the case record.

(e) If a child leaves without consent, the parent, managing conservator, or referring agency shall be notified immediately. This shall be documented in the case record.

.045. Health and Safety.

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

(1) Fire inspections which must meet requirements set by the local fire marshal. In areas where there is no certified fire inspector, the state fire marshal shall make the inspection.

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

(3) Gas pipes must be pressure tested by the local gas company or a licensed plumber.

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

(b) There shall be written plans and procedures for disasters and emergencies. Staff shall know the procedures for meeting disasters and emergencies.

(c) Outdoor swimming pools shall have a fence. All entrances and exits to outdoor and indoor pools shall be closed and locked when not in use. Machinery rooms shall be locked to prevent children from entering.

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

.046. *Environment.*

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

(1) Outdoor areas shall be well drained.

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

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

(4) Emergency shelters shall ensure that children in care are provided adequate protection from flammable and poisonous substances.

(5) Explosive materials, firearms, and projectiles shall be stored out of children's reach.

(b) Animals on the premises shall be vaccinated and treated according to the recommendations of a licensed veterinarian in order to protect the health of the children. Vaccinations and treatments shall be provided as the veterinarian recommends. Documentation of vaccinations and treatment shall be on file at the facility.

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

(d) There shall be indoor areas where children can gather. There shall be a minimum of 40 square feet per child. Bedrooms, halls, kitchens, and any rooms not available to children shall not be included in the minimum space requirement.

(e) A sleeping room shall contain at least 50 square feet per occupant. Bedrooms for single occupants shall have at least 80 square feet.

(f) Sketches of floor plans showing dimensions and purposes of all rooms shall be submitted to the Licensing Branch when the signed application is submitted.

(g) Furniture shall not block exits.

(h) Children shall have their own bedsteads and mattresses. Beds shall be kept clean and comfortable. Mattresses shall have covers or protectors.

(i) There shall be accessible storage space available for each child's clothing and personal possessions.

(j) No child over six years old shall share the same bedroom with a person of the opposite sex.

(k) There shall be one lavatory, one tub or shower with hot and cold running water, and one toilet for every eight children.

(1) Separate toilet and bath facilities shall be provided for boys and girls over six years old.

(2) Bathrooms shall be near the sleeping area.

(3) Bathrooms shall be thoroughly cleaned daily.

.047. *Food Preparation, Storage, and Equipment.* All food and drink shall be of safe quality and prepared and served in a sanitary manner.

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

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

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

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

.048. *Definitions.*

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

(b) Dentist—refers only to a licensed dentist.

(c) Emergency placement—an emergency exists if a child is in danger; a child is a danger to others; or a child is abandoned and does not have a place to stay.

(d) Emergency shelter—an emergency shelter is a child-caring institution which provides short-term residential care for children. Emergency shelter care includes the provision of food, clothing, shelter, medical, and the formulation of a plan for continuing care outside the shelter.

(e) Hospital—refers only to a licensed or accredited facility.

(f) Living unit—a building or part of a building where a group of children live.

(g) New emergency shelter—refers to an emergency shelter which is not in operation.

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

(i) Psychologist—psychologist as defined by the Psychologists' Certification and Licensing Act.

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

(k) Trip—an excursion that is overnight or longer.

Doc. No. 795620

General Licensing Procedures

Support Documents 326.92.99

The Texas Department of Human Resources proposes to amend its rule which adopts by reference tables "Suggested Schedule for Routine Immunizations" and "Immunization Reference Schedule." The table, "Suggested Schedule for Routine Immunizations," has been altered by the Texas Department of Health and now is titled "Child Care Immunization Requirements." It is supplemented by a list of "Special Considerations" regarding each vaccine and charts which provide measles and mumps vaccine requirements by

effective dates for children in child care facilities. The alteration of immunization requirements on the part of the Texas Department of Health has been incorporated by the Department of Human Resources in its reorganization of standards.

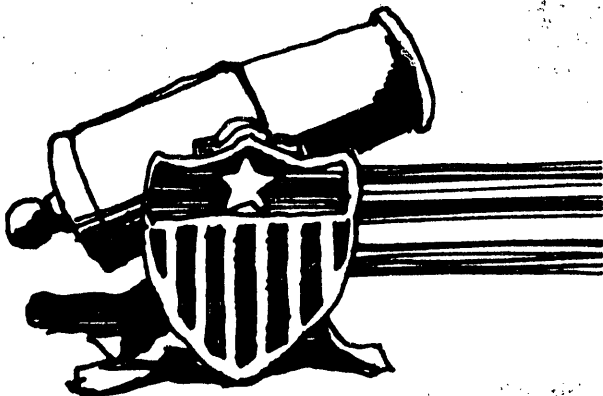
This rule change is proposed under the authority of the Human Resources Code, Chapter 42.

.600. Child Care Immunization Requirements. *(Routine Immunization Schedule.)* The Department of Human Resources (Public Welfare) adopts by reference the tables titled "Child Care Immunization Requirements" ["Suggested Schedule for Routine Immunizations in Local Health Departments in Texas"] and "Number of Immunization Doses Required for Minimum Protection" ["Immunization Reference Schedule"], dated *September 9, 1979* [May 1976].

Issued in Austin, Texas, on August 29, 1979.

Doc. No. 795621 Jerome Chapman
Commissioner
Texas Department of Human Resources

Proposed Date of Adoption: November 5, 1979
For further information, please call (512) 475-4601.



Office of the Secretary of State Elections

Miscellaneous 004.30.01

The secretary of state as chief elections officer of the State of Texas proposes to adopt Rule 004.30.01.210 in order to interpret Article 4.08, Vernon's Texas Election Code. Article 4.08 provides that if an election to office results in a tie vote, the election is void and a new election shall be ordered; it also prescribes the time period within which these new elections to office must be conducted. Some question has arisen about a possible conflict between Article 4.08 and Article 2.01b of the Election Code, which establishes uniform election dates for certain elections conducted in this state. The same Rule .210 was adopted on an emergency basis April 11, 1979, to resolve this conflict.

The Elections Division of the Office of the Secretary of State has determined that this rule has no fiscal implications for the state or units of local government.

Public comment on the proposed rule is invited. Comments may be submitted by telephoning the Elections Division at (512) 475-3091 or 1-800-252-9602, or by writing the Elections Division at: secretary of state, P.O. Box 12887, Austin, Texas 78711.

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

.210. Elections Conducted under Article 4.08 of the Election Code. An election held pursuant to Article 4.08 of the Election Code must be held on a date that falls within the time period prescribed by that article. The provisions of Article 2.01b of the Election Code are not applicable to elections held pursuant to Article 4.08.

Issued in Austin, Texas, on September 20, 1979.

Doc. No. 796291 George W. Strake, Jr.
Secretary of State

Proposed Date of Adoption: October 29, 1979
For further information, please call (512) 475-3091.

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

Foundation School Program

Allocation of Operating Cost 226.41.06

The Texas Education Agency has amended Rule 226.41.06.010, concerning the allocation of maintenance and operation funds under the Foundation School Program. The amended rule reflects an increase in the operating cost allocation from \$110 to \$128/ADA in 1979-80 and from \$115 to \$139/ADA in 1980-81. These increases are a result of Senate Bill 350.

Public review and discussion of the proposed amendment were held. The amended rule is adopted with no change from the text as proposed.

This amendment is promulgated under the authority of Sections 16.005 and 16.151, Texas Education Code.

.010. Operating Cost Allotment.

(a) (No change.)

(b) Administrative procedure.

(1) One hundred and twenty-eight dollars for the school year 1979-80 and \$139 for the school year 1980-81 and thereafter is allocated for current operating costs for each eligible student in refined average daily attendance during the current school year. Refined ADA is equal to gross ADA minus ineligible ADA (Administrative Procedure 226.44.01). The Special Education Early Childhood Program ADA will be included in the ADA on which a district's operating cost allotment is computed.

(2) The money may be used for current operating expenses other than professional salaries.

Issued in Austin, Texas, on September 20, 1979.

Doc. No. 796270 A. O. Bowen
 Commissioner of Education

Effective Date: October 11, 1979

Proposal Publication Date: August 14, 1979

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

Texas Industrial Commission

Revenue Bonds for the Promotion and Development of Industrial Enterprises

Industrial Projects 103.03.01

The Texas Industrial Commission has adopted Rules 103.03.001-.003, Industrial Projects. The proposed rules were published in the August 10, 1979, issue of the *Texas Register* (4 TexReg 2786). Rules .001-.003 were adopted under the Development Corporation Act of 1979, Vernon's Annotated Civil Statutes 5190.6, Section 1-37.

Pursuant to the authority of the Texas Revised Civil Statutes, Article 695c, the Texas Industrial Commission has adopted Rules .001-.003, Industrial Projects.

.001. General Rules.

(a) Adoption of rules. The Texas Legislature has enacted the Development Corporation Act of 1979, Senate Bill 1275, 66th Legislature, Regular Session, for the public purpose of the promotion and development of new and expanded commercial, industrial, and manufacturing enterprises to promote and encourage employment and the public welfare. The Act provides that the Texas Industrial Commission shall approve the contents of any agreement for the lease or sale of any project by an industrial development corporation acting under the Act or any loan agreement for the purpose of providing temporary or permanent financing or refinancing of any project by such corporation. Further, the Act directs the commission to prescribe rules and regulations setting forth minimum standards for lease, sale, and loan agreements and guidelines with respect to financial responsibilities of the lessee, purchaser, or borrower under any such agreement. These rules and regulations relating to industrial projects have been adopted by the commission under the provisions of the Act and have been filed with the secretary of state, Austin, Texas.

(b) Amendment of rules. These rules and regulations may be amended by the commission at any time in accordance with the Administrative Procedure and Texas Register Act as amended, Article 6252-13a, Vernon's Annotated Texas Civil Statutes, but such amendment shall become effective only after being filed with the secretary of state.

(c) Filing fees. No filing fees are required for any application filed with the commission pursuant to these rules and regulations; however, all reasonable travel expenses incurred by representatives of the commission in processing any application submitted hereunder shall be borne by the related user.

(d) Communications with commission. Communications with and applications to the commission should be addressed to the attention of the executive director of the commission at Box 12728, Austin, Texas 78711.

(e) Definition of terms. The terms defined in the Act shall have the same meaning when used in these rules and regulations.

(1) The term "industrial project" shall mean the land, buildings, equipment, facilities, and improvements (one or more) found by the board of directors to be required or suitable for the promotion of industrial development and expansion, the promotion of employment, or for use by manufacturing or industrial enterprises, irrespective of whether in existence or required to be acquired or con-

structed after the making of such findings by the board of directors.

(2) The term "user" shall mean the private business enterprise which will lease, sublease, purchase, or otherwise operate the industrial project pursuant to a lease, sale, or loan agreement with the corporation.

(3) The term "governmental agency" shall mean:

(A) the United States, or any political subdivision, agency, territory, or insular possession thereof, or

(B) the District of Columbia, or

(C) the State of Texas or any other state of the United States, or any unit, county, city, municipal corporation, district, political subdivision, or agency of the State of Texas or of any other state of the United States.

(4) The term "guarantor" shall mean:

(A) any person that is a party to a contract with the user, if such person is contractually obligated to make payments to the user in amounts at least equal to the payments required to be made by the user under its lease, sale, or loan agreement with the corporation and if the user has assigned to the corporation its contractual rights to receive such payments in order to secure said user's obligations under the lease, sale, or loan agreement, or

(B) any person directly guaranteeing the user's payments in the amounts required under the lease, sale, or loan agreement, or

(C) any person directly guaranteeing payment of bonds issued to finance the industrial project; provided, that the term "guarantor" shall not be deemed to include a governmental agency.

.002. Application and Procedure for Approval.

(a) Application for conditional approval. In order for the commission to give conditional approval of any lease, sale, or loan agreement relating to an industrial project sought to be financed from the proceeds of revenue bonds issued under the Act, the user shall submit an application which contains the following:

(1) Resolution of corporation. A certified copy of a resolution of the board of directors of the corporation which describes the industrial project and makes:

(A) the finding required by Section 2(12) of the Act, and

(B) the additional findings:

(i) that the user has the business experience, financial resources, and responsibility to provide reasonable assurance that all bonds and interest thereon to be paid from or by reason of payments made by the user under a lease, sale, or loan agreement with the corporation will be paid as the same become due, and

(ii) that the industrial project sought to be financed is in furtherance of the public purpose of the promotion and development of new and expanded industrial and manufacturing enterprises to promote and encourage employment and the public welfare.

(2) Certificate of user. A certificate signed by an officer of the user to the same effect as the finding required to be made by the board of directors of the corporation under .002(a)(B)(1) above.

(3) Resolution(s) of unit. A certified copy of the resolution(s) of the governing body of the unit satisfying the requirements of Section 25(f) of the Act.

(4) List of participants. The name, street address, mailing address, and telephone number of each of the following:

(A) representatives designated by the user, the guarantor(s), and the corporation for the project and the financing;

(B) legal counsel who will represent the user, the guarantor(s), and the corporation for the project and the financing;

(C) accounting firm(s) of the user and guarantor(s);

(D) bond counsel;

(E) proposed original purchaser, underwriter, financial advisor, or placement agent for the bonds;

(F) trustee, if any; and

(G) paying agent, if any.

(5) Description of user. As to the user, the user's Form 10-K for each of the three preceding fiscal years, together with the user's most recent Form 10-Q; provided, that if such forms have not been filed with the Securities and Exchange Commission, the user shall provide the following information:

(A) the name and address of the user;

(B) the state or other jurisdiction of incorporation or organization, the form of organization and a brief description of the organizational structure, including parent, subsidiaries, and affiliates;

(C) a brief statement of the history and type of business engaged in by the user;

(D) the names and ages of executive or managing officers and directors of the user and a brief account of all the business experience of each such officer or director, including his principal occupations and employment and the name and principal business of the corporation or other organization in which such occupations and employment were carried on;

(E) if the user's debt securities are rated or listed by any published rating agency, such fact shall be noted with the rating(s); and

(F) the user's audited financial statements for each of the preceding three fiscal years; provided, that this requirement may be waived if:

(i) the application includes a guarantor's audited financial statements for each of the guarantor's preceding three fiscal years, or

(ii) a governmental agency would have been deemed to be a guarantor but for .001(e)(4) hereof.

(6) Description of guarantor(s). If appropriate, as to each guarantor, the same information required of the user under .002(a)(5).

(7) Description of corporation. As to the corporation:

(A) the name, street address, and mailing address of the members of the board of directors of the corporation; and

(B) a description of any other bonds which have been issued by the corporation to finance an industrial project and a statement as to whether there has been a default in the payment of principal of or premium, if any, or interest on any such bonds.

(8) Description of industrial project. As to the industrial project:

(A) a brief description of the industrial project, its location, and intended use;

(B) estimates of the number and type of jobs to be created as a result of the industrial project and the estimated annual payroll of employees working at the industrial project; and if there is any substantial probability that loss of existing jobs would occur within the unit as a result of the dis-

approval of the lease, sale, or loan agreement, estimates of the number and type of existing jobs which would be lost and the estimated annual payroll of employees holding such jobs;

(C) a statement of the present ownership of the industrial project site describing any liens and encumbrances, together with evidence, satisfactory to the commission, that all necessary interests in real estate required for the construction, installation, and operation of the industrial project have been or can be acquired, that all necessary access roads, utilities, and drainage facilities have been or can be provided and that all approvals, permits, consents, or authorizations of any governmental or public agency, authority, or person required in connection with the construction, installation, and operation of the industrial project have been or can be obtained;

(D) a detailed showing of the estimated cost of the industrial project together with a list of the sources from which payment will be made, which statement shall show estimated items of costs follows:

(i) the acquisition of all land, right of way, property rights, easements, and interests acquired or to be acquired;

(ii) machinery and equipment;

(iii) building costs;

(iv) financing charges, including fees and expenses of original purchaser(s), underwriter, financial advisor or placement agent, bond counsel, other legal counsel, bond delivery and printing expense, the costs of preparing and processing the application, and any other fees and expenses in connection with the financing;

(v) interest prior to and during construction and for one year after completion of construction, if applicable;

(vi) any reserve funds;

(vii) engineering including among others costs of estimates, plans, specifications, and surveys;

(viii) architectural fees;

(ix) administrative expense of the corporation;

(x) other enumerated expenses; and

(xi) contingencies;

(E) the names of the architect, engineer, and general contractor for the industrial project; and

(F) the approximate date of commencement and completion of construction of the industrial project.

(9) Description of bonds. As to the bonds:

(A) the amount of bonds proposed to be issued;

(B) a proposed debt service schedule for the bonds;

(C) the proposed date of closing or delivery of the bonds;

(D) if the bonds have been rated by any published rating agency or if application for such rating has been made, such fact shall be noted with any rating(s) assigned; and

(E) the security for the bonds (e.g., mortgage, guarantee).

(10) Agreement of user to pay industrial project costs and indemnify corporation. An executed counterpart of an agreement between the user or a guarantor and the corporation pursuant to which the user or guarantor agrees:

(A) to pay all industrial project costs which are not or cannot be paid or reimbursed from the proceeds of bonds, and

(B) at all times, to indemnify and hold harmless the corporation against all losses, costs, damages, expenses, and liabilities of whatsoever nature (including but not limited to attorneys' fees, litigation and court costs, amounts

paid in settlement, and amounts paid to discharge judgments) directly or indirectly resulting from, arising out of, or related to the issuance, offering, sale, or delivery of the bonds, or the design, construction, installation, operation, use, occupancy, maintenance, or ownership of the industrial project.

(11) Proposed investment letter(s). Where appropriate, proposed investment letter(s) from the original purchaser(s) of the bonds, or the purchaser(s) of the bonds from the underwriter, in the form to be delivered at closing, substantially to the effect that said purchaser:

(A) is a financial institution, such as a bank or an insurance company, engaged in the business of investing in securities like the bonds,

(B) has been furnished with all necessary information that it desires in order to enable it to make an informed decision concerning investment in the bonds, and

(C) intends to purchase the bonds for its own account (subject to certain rights to sell, pledge, transfer, convey, hypothecate, mortgage, or dispose of such bonds at some future date).

(12) Letter(s) regarding bonds. A letter of intent to purchase the bonds from the original purchaser(s) or underwriter, or a letter from the placement agent or financial advisor that the bonds are marketable; provided, that delivery of the investment letter described in .002(a)(11) shall also constitute compliance with this requirement.

(13) Proposed opinion of bond counsel. A proposed opinion of bond counsel, in substantially the form to be delivered at closing, to the effect that the bonds have been duly issued and delivered by the corporation in compliance with the Act.

(14) Proposed opinion of corporation counsel. A proposed opinion of counsel to the corporation, in substantially the form to be delivered at closing, as to the incorporation and existence of the corporation and the authority, actions, and other proceedings of the corporation in connection with the industrial project and the bonds, and stating that the lease, sale, or loan agreement constitutes a legal and binding obligation of the corporation.

(15) Proposed opinion of user counsel. A proposed opinion of counsel to the user, in substantially the form to be delivered at closing, as to the creation and existence of the user and the authority, actions, and other proceedings of the user in connection with the industrial project and the bonds, and stating that the lease, sale, or loan agreement constitutes a legal and binding obligation of the user.

(16) Proposed opinion of guarantor counsel. If applicable, a proposed opinion of counsel to each guarantor, in substantially the form to be delivered at closing, as to the creation and existence of the guarantor and the authority, actions, and other proceedings of the guarantor in connection with the industrial project and the bonds, and stating that the instrument of guarantee constitutes a legal and binding obligation of the guarantor.

(17) Proposed agreements regarding industrial project or bonds. Proposed copies of the lease, sale, or loan agreement and, if appropriate, the instrument(s) of guarantee, and any other agreement(s) between or among the participants relating to the industrial project or the bonds.

(b) Supplemental information to be included in application for conditional approval. In addition to the requirements of .002(a) hereof, if an application is one in which:

(1) neither the user nor any guarantor has a current rating on any of its outstanding securities from Moody's In-

vestors Service of Ba or higher or from Standard & Poor's Corporation of BB or higher, and

(2) the bonds sought to be issued have not received a rating from either Moody's or Standard & Poor's of at least Baa or BBB, respectively, and

(3) an investment letter satisfying the requirements of .002(a)(11) hereof is not provided, then such application for conditional approval must also contain the following:

(A) Independent analysis. A report of an independent financial analyst or other consultant, approved by the commission, analyzing the other information contained in the application, which report may, at the request of the commission, also contain a feasibility analysis of the industrial project; the cost of preparing such report shall be borne by the user, but may be reimbursed from the proceeds of the bonds

(B) Industrial project costs to be paid by user. Evidence, satisfactory to the commission, that:

(i) not more than 80% of the cost of the industrial project will be financed out of bond proceeds, and

(ii) either the user has paid or will pay the remaining cost of the industrial project which will not be financed out of bond proceeds, and

(iii) if the bonds are secured by a lien against the industrial project, such lien is superior to any liens against the industrial project securing a borrowing by the user for the purpose of paying the remaining cost of the industrial project in accordance with clause (ii) above.

(c) Requirements for final approval. If the commission gives conditional approval of a lease, sale, or loan agreement, the approval shall become final upon delivery to an authorized representative of the commission, for inclusion in the final transcript of proceedings, of such opinions, evidence, certificates, instruments, or other documents as the commission shall expressly require as a condition to its final approval, and of the following:

(1) Certificate of user. A certificate signed by an officer of the user substantially to the effect that:

(A) as of the closing date there has been no material adverse change in the affairs of the user from that described in the application for conditional approval or otherwise disclosed to and approved by the commission, and

(B) the instruments provided to the commission pursuant to .002(a)(17) hereof, as executed and delivered by the respective parties, are in the form previously approved by the commission.

(2) Certificate(s) of guarantor(s). If applicable, a certificate for each guarantor signed by an officer of the guarantor substantially to the effect that as of the closing date there has been no material adverse change in the affairs of the guarantor from that described by the application or otherwise disclosed to and approved by the commission.

(3) Opinions of counsel. Executed opinions of counsel, in the forms previously approved by the commission in accordance with .002(d)(13)-(16) hereof; if such opinions are not addressed to the commission, separate letters from said counsel will be required entitling the commission to rely upon such opinions.

(4) Investment letter(s). If appropriate, executed investment letter(s) from the original purchaser(s) of the bonds, or the purchaser(s) of the bonds from the underwriter, in the form previously approved by the commission in accordance with .002(a)(11) hereof.

(d) Delegation of authority to executive director. Pursuant to Section 24(c) of the Act, by adoption of these rules and regulations, the commission has delegated to its executive director the authority to give approval of a lease, sale, or loan agreement in accordance with these rules and regulations, provided that the commission also reserves the right to act upon such agreement which has not otherwise been acted upon by the executive director.

(e) Transcript of proceedings. The commission requires a complete transcript of all proceedings relating to the authorization, issuance, sale, and delivery of the bonds to be submitted to it within 30 days after the bond closing.

.003. Guidelines for Approval.

(a) Standards for approval. No lease, sale, or loan agreement made under the Act will be approved unless the commission or the executive director thereof, as the case may be, affirmatively finds that the user has the business experience, financial resources, and responsibility to provide reasonable assurance that all bonds and interest thereon to be paid from or by reason of such agreement will be paid as the same become due and that the industrial project sought to be financed is in furtherance of the public purpose of the promotion and development of new and expanded industrial and manufacturing enterprises to promote and encourage employment and the public welfare.

(b) Minimum requirements for lease, sale, and loan agreements. Any lease, sale, or loan agreement made under the Act must:

(1) unconditionally obligate the user, irrespective of any rights of set-off, recoupment, or counterclaim the user might otherwise have against the corporation or any other person or persons, to make payments which are adequate to pay the principal of and premium, if any, and interest on the related series of bonds as the same become due, to make any other payments of deposits required to be made to any funds created by the documents relating to the bonds, to pay any fees due the paying agent or trustee and to reimburse the corporation for any costs and expenses incurred by it in connection with the bonds and the industrial project,

(2) contain the same agreements of the user as are required by .002(a)(10) hereof,

(3) relieve the corporation from any responsibility for maintaining, operating, or repairing the completed industrial project,

(4) provide for such insurance coverage, including self-insurance, as is customarily carried by persons engaged in the same business as the user and operating facilities like the industrial project, or as is otherwise deemed adequate by the commission.

Issued in Austin, Texas, on September 21, 1979.

Doc. No. 796310 Jerry Heare, Director
Economic Development Division
Texas Industrial Commission

Effective Date: October 12, 1979

Proposal Publication Date: August 10, 1979

For further information, please call (512) 472-5059.

State Board of Insurance

Rating and Policy Forms

Fixing Rate of Automobile Insurance 059.05.01

The State Board of Insurance has amended Rule 059.05.01.001, which adopted by reference the Rules and Rates Governing the Insuring of Automobiles and Standard Endorsements. The amendment adopted is attached and incorporated herein by reference.

These amendments have been previously adopted on an emergency basis effective June 19, 1979, and this permanent adoption is intended to supersede that emergency adoption as of the date the permanent amendment becomes effective. The amendment is to Rule 20, Certified Risks—Financial Responsibility Laws, and Rule 39, Texas Driving Insurance Plan of the Texas Automobile Manual. The amendments are a result of the enactment of House Bill 452 which is effective June 13, 1979.

The amendment to Rule 20 is to eliminate premium surcharges for risks written in the voluntary market for which an SR-22 certificate of proof of financial responsibility under the Texas Safety-Responsibility Act is required. The amendment to Rule 20 does not effect financial responsibility premium surcharges on policies written in the Texas Automobile Insurance Plan or in companies not subject to the rate-making authority of the State Board of Insurance. The amendment to Rule 39 is to eliminate all premium surcharges for motor vehicle traffic convictions under the Texas Driving Insurance Plan.

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 October 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 the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

Issued in Austin, Texas, on September 18, 1979.

Doc. No. 796242 Pat Wagner
Chief Clerk
State Board of Insurance

Effective Date: October 15, 1979
Proposal Publication Date: August 10, 1979
For further information, please call (512) 475-3486.

Office of the Secretary of State

Elections

Nominations 004.30.13

The secretary of state as chief elections officer of the State of Texas is adopting Rule 004.30.13.123, which prescribes for use in next year's primaries the existing form for the petition in lieu of filing fees. There have already been several requests for such petition forms.

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

.123. *Petition in Lieu of Filing Fee Form (for Use in a Primary Election).* The petition in lieu of filing fee form (for use in a primary election) is adopted by reference. It is required to accompany a candidate's application for a place on the general primary election ballot if the candidate does not pay a filing fee. Copies may be obtained from the Elections Division of the Secretary of State's Office, P.O. Box 12887, Austin, Texas 78711. Although this is the official nominating petition form prescribed by the secretary of state, any petition of a candidate's own design that contains all information required by law shall be valid.

Issued in Austin, Texas, on September 20, 1979.

Doc. No. 796292 George W. Strake, Jr.
Secretary of State

Effective Date: October 12, 1979
Proposal Publication Date: August 24, 1979
For further information, please call (512) 475-3091.



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 Department of Agriculture

Thursday, October 4, 1979, 1 p.m. The Texas Soybean Producers Board of the Texas Department of Agriculture will meet in Dallas at the Food and Fiber Building on the State Fair Grounds. According to the agenda, the board will consider the following: minutes of Paris meeting; financial reports; exemption report; collections and elevator report; and allocation funds.

Additional information may be obtained from W. B. Tilson, 812 W. Eighth Street, Plainview, Texas 79072, telephone (806) 293-3806.

Filed: September 21, 1979, 4:20 p.m.
Doc. No. 796330

Coordinating Board, Texas College and University System

Thursday, October 18, 1979, 9:30 a.m. The Financial Planning Committee of the Coordinating Board, Texas College and University System, will meet in the Nueces Room of the Sheraton-Crest Inn, 111 E. 1st Street, Austin. According to the agenda, the committee will meet to consider ratification of investment transactions since July 20, 1979.

Additional information may be obtained from Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, telephone (512) 475-4361.

Filed: September 21, 1979, 10:54 a.m.
Doc. No. 796293

Thursday, October 18, 1979, 9:45 a.m. The Student Services Committee of the Coordinating Board, Texas College and University System, will meet in the Nueces Room of the Sheraton-Crest Inn, 111 E. 1st Street, Austin. According to the agenda summary, the committee will meet to consider matters related to the division of student services.

Additional information may be obtained from Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, telephone (512) 475-4361.

Filed: September 21, 1979, 10:54 a.m.
Doc. No. 796294

Thursday, October 18, 1979, 10:15 a.m. The Campus Planning and Physical Facilities Committee of the Coordinating Board, Texas College and University System, will meet in the Nueces Room of the Sheraton-Crest Inn, 111 E. 1st Street, Austin. According to the agenda summary, the committee will consider matters relating to the division of campus planning and physical facilities development.

Additional information may be obtained from Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, telephone (512) 475-4361.

Filed: September 21, 1979, 10:57 a.m.
Doc. No. 796295

Thursday, October 18, 1979, 11:15 a.m. The Community College and Continuing Education Committee of the Coordinating Board, Texas College and University System, will meet in the Nueces Room of the Sheraton-Crest Inn, 111 E. 1st Street, Austin. According to the agenda summary, the committee will consider matters relating to the division of community colleges and continuing education.

Additional information may be obtained from Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, telephone (512) 475-4361.

Filed: September 21, 1979, 10:59 a.m.
Doc. No. 796296

Thursday, October 18, 1979, 1:30 p.m. The Senior College and University Committee of the Coordinating Board, Texas College and University System, will meet in the Nueces Room of the Sheraton-Crest Inn, 111 E. 1st Street, Austin. According to the agenda summary, the committee will consider matters relating to unaccredited private degree-granting institutions and out-of-state institutions operating in Texas, and other matters relating to the division of senior colleges and universities.

Additional information may be obtained from Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, telephone (512) 475-4361.

Filed: September 21, 1979, 10:59 a.m.
Doc. No. 796297

Friday, October 19, 1979, 9 a.m. The Coordinating Board, Texas College and University System, will meet in the Nueces Room of the Sheraton-Crest Inn, 111 E. 1st Street, Austin. According to the agenda summary, the board will consider matters relating to the division of administration, division of student services, division of campus planning and physical facilities development, division of community colleges and continuing education, and the division of senior colleges and universities.

Additional information may be obtained from Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, telephone (512) 475-4361.

Filed: September 21, 1979, 11:03 a.m.
Doc. No. 796298

Texas Health Facilities Commission

Thursday, October 4, 1979, 10 a.m. The Texas Health Facilities Commission will meet in Suite 305 of the Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications:

certificate of need

St. Luke's Episcopal/Texas Children's Hospitals, Houston
AH79-0511-017

Medical Center Hospital, Tyler
AH78-1120-010

Parkland Memorial Hospital, Dallas
AH79-0517-007

motion to amend certificate of need order
Sears Memorial Methodist Center, Abilene
AN78-0130-001

exemption certificates

Golden Triangle Convalescent Center, Port Arthur
AN79-0531-011

Vista Hills Health Care Center, El Paso
AN79-0823-023

Champ Traylor Memorial Hospital, Port Lavaca
AH79-0823-009

Christian Care Center Division, Mesquite
AN79-0821-009

Orange Memorial Hospital, Orange
AH79-0810-023

Westgate Hospital and Medical Center, Denton
AH79-0824-016

reissuance of certificate of need

Angelina Lodge, Palestine
AN78-0721-041R(081079)

motion of certificate holder to void certificate
Wood Nursing Home, Vernon
AN76-1104-016

extension of declaratory ruling

St. Joseph Hospital, Paris
AH75-0902-012E(1)(082279)

Additional information may be obtained from Dan R. McNery, P.O. Box 15023, Austin, Texas 78761, telephone (512) 475-6940.

Filed: September 24, 1979, 11:38 a.m.
Doc. No. 796339

University of Houston System

Wednesday, September 26, 1979, 1:30 p.m. The Board of Regents of the University of Houston System made an emergency addition to the agenda of a meeting held in the board room, 220 Ezekiel Cullen Building, on the central campus in Houston. The addition concerned personnel matters.

Additional information may be obtained from Deborah Selden, 911 Walker, Suite 765, Houston, Texas 77002, telephone (713) 749-3083.

Filed: September 24, 1979, 12:07 p.m.
Doc. No. 796335

Texas Indian Commission

Monday, September 24, 1979, 1:30 and 2 p.m. The Texas Indian Commission made an emergency addition to the agenda of a meeting held at 409 Sam Houston State Office Building, Austin. In addition to items previously posted, the commission met in executive session at 1:30 p.m. and considered a decision on personnel matters at 2 p.m.

Additional information may be obtained from Walt Broemer, 1011 Alston, Livingston, Texas 77351, telephone (713) 327-5285.

Filed: September 24, 1979, 10:53 a.m. & 11:52 a.m.
Doc. Nos. 796332, 796334



Texas Advisory Commission on Intergovernmental Relations

Monday, October 1, 1979, 9:30 a.m. The Planning Committee for the Project to Revise the Model Rules for Law Enforcement Officers of the Texas Advisory Commission on Intergovernmental Relations will meet in Room 618, Stephen F. Austin Building, Austin. According to the agenda, the committee will consider the composition and role of a project committee for the project on Revising the Model Rules for Law Enforcement Officers and other matters related to the organization and performance of the Model Rules project.

Additional information may be obtained from David Spurgin, 622 Stephen F. Austin Building, Austin, Texas, telephone (512) 475-3728.

Filed: September 21, 1979, 4:14 p.m.
Doc. No. 796329

Pan American University

Tuesday, October 2, 1979, 9:30 a.m. The Board of Regents Buildings and Grounds Committee of Pan American University will meet in the conference room of the Administration Building, Edinburg. According to the agenda, the committee will consider reports and/or recommendations concerning acquisition of real property as authorized by Article 6252-17, Section 2f. The committee will also meet in executive session to consider the paving of parking lots.

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

Filed: September 24, 1979, 11:47 a.m.
Doc. No. 796341

Tuesday, October 2, 1979, 10:15 a.m. The Board of Regents Academic and Developmental Affairs Committee of Pan American University will meet in the conference room of the Administration Building, Edinburg. According to the agenda, the committee will meet in executive session to consider employment of personnel as authorized by Article 6252-17, Section 2g.

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

Filed: September 24, 1979, 11:47 a.m.
Doc. No. 796342

Tuesday, October 2, 1979, 11 a.m. The Board of Regents of Pan American University will meet in the conference room of the Administration Building, Edinburg. According to the agenda, the board will consider reports of the Buildings and Grounds Committee and Academic Developmental Affairs Committee, small class size, and a revolving fund for Pan American University in Brownsville.

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

Filed: September 24, 1979, 11:46 a.m.
Doc. No. 796343

Public Utility Commission of Texas

Friday, September 28, 1979, 2 p.m. The Hearings Division of the Public Utility Commission of Texas will conduct an emergency prehearing in Suite 400N, 7800 Shoal Creek Boulevard, Austin, to consider Dockets 2520, 2556, and 2584: applications of Radio Paging, Inc., et al., Rapidal, Inc., Loomis Communication Company and Tel-Paging, Inc., for certification to 12 radio-telephone channels in Harris and appropriate surrounding counties. The emergency status of the prehearing is warranted by conflicting time schedules of the attorneys.

Additional information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, telephone (512) 458-0100.

Filed: September 21, 1979, 3:41 p.m.
Doc. No. 796325

Tuesday, October 9, 1979, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing in Suite 400N, 7800 Shoal Creek Boulevard, Austin, in Docket 2815, complaint of Ivanhoe Property Owners Association, Inc., against Associates Utility Company.

Additional information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, telephone (512) 458-0100.

Filed: September 24, 1979, 11:35 a.m.
Doc. No. 796338

Monday, October 29, 1979, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 400N, 7800 Shoal Creek Boulevard, Austin, to conduct a hearing in Docket 2743: application of Mid-Texas Telephone Company to revise depreciation rates.

Additional information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, telephone (512) 458-0100.

Filed: September 21, 1979, 3:42 p.m.
Doc. No. 796326

Railroad Commission of Texas

Monday, September 24, 1979, 9 a.m. The Gas Utilities Division of the Railroad Commission of Texas made an emergency addition to a meeting held in Room 107, 1124 South IH 35, Austin. The addition concerned consideration of approving for publication a proposed rule prohibiting the use of natural gas in outdoor lighting, Gas Utilities Docket 2129. This item was properly noticed for the open meeting held on September 17, 1979, was passed at this meeting, and was considered on less than seven days notice as a matter of urgent public necessity.

Additional information may be obtained from Lucia Sturdevant, P. O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1126.

Filed: September 21, 1979, 12:30 p.m.
Doc. No. 796312

Monday, September 24, 1979, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas made an emergency addition to a meeting held in the first floor auditorium, 1124 South IH 35, Austin. The addition concerned consideration of application by Gulf Oil Exploration and Production Company for emergency authority to transfer allowables from wells in the East Texas Field shut in as a result of repair

and testing of gathering lines. Consideration on less than seven days notice is required as a matter of urgent public necessity to prevent the loss of production from the wells shut in as a result of the repair and testing.

Additional information may be obtained from J. C. Herring, P. O. Box, Austin, Texas 78711, telephone (512) 445-1306.

Filed: September 21, 1979, 12:31 p.m.
Doc. No. 796313

Monday, September 24, 1979, 9 a.m. The Transportation Division of the Railroad Commission of Texas made emergency additions to a meeting held in Room 107, 1124 South IH 35, Austin. The additions concerned consideration of applications to increase rates and charges based on increases in fuel expenses by Missouri Pacific Railroad Company, et al, Docket 023482ZZR; Texas Bulk Carriers, Inc., Docket 023471ZZT; and Morgan Drive Away, Inc., Docket 023459ZZT. Applications were considered on less than seven days notice because it is alleged that failure to grant these applications immediately will result in a serious curtailment of transportation services therefore adversely affecting the public health, safety, welfare of the citizens of Texas. These adverse effects created an urgent public necessity that the applications be considered immediately.

Additional information may be obtained by Owen T. Kinney, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1330.

Filed: September 21, 1979, 12:29 p.m.
Doc. No. 796311

Monday, October 1, 1979, 9 a.m. The Railroad Commission of Texas will meet in the third floor conference room, 1124 South IH 35, Austin. According to the agenda, the commission will follow the regular agenda, then meet in executive session to discuss personnel actions for all divisions and consult with its legal staff on prospective and pending litigation pursuant to sections 2g and 2e of the Act, respectively.

Additional information may be obtained from James P. Grove IV, 1124 South IH 35, Austin, Texas 78704, telephone (512) 445-1186.

Filed: September 21, 1979, 12:22 p.m.
Doc. No. 796314

Monday, October 1, 1979, 9 a.m. The Railroad Commission of Texas makes an emergency addition to a meeting to be held in the first floor auditorium, 1124 South IH 35, Austin. The addition concerns consideration of existing leased office space.

Additional information may be obtained from James P. Grove IV, 1124 South IH 35, Austin, Texas, telephone (512) 445-1186.

Filed: September 21, 1979, 12:23 p.m.
Doc. No. 796315

Monday, October 1, 1979, 9 a.m. The Gas Utilities Division of the Railroad Commission of Texas will meet in Room 107, 1124 South IH 35, Austin. According to the agenda summary, the division will consider Gas Utilities Dockets 500, 2013, 2105, 2106, 2110, 2117, 2125, 2126, 2127, 1675, and 2108; word processing matters; director's report; and proposed increase in transcript fees.

Additional information may be obtained from Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1126.

Filed: September 21, 1979, 12:27 p.m.
Doc. No. 796319

Monday, October 1, 1979, 9 a.m. The Gas Utilities Division makes an addition to meeting to be held in Room 107, 1124 South IH 35, Austin. The addition concerns consideration of final order in Gas Utilities Docket 2137, application of Forest Oil Corporation to purchase natural gas from Lo-Vaca Gathering Company for gas lift program.

Additional information may be obtained from Lucia Sturdevant, P. O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1126.

Filed: September 21, 1979, 12:30 p.m.
Doc. No. 796321

Monday, October 1, 1979, 9 a.m. The Liquefied Petroleum-Gas Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 S. IH 35, Austin, to consider the director's report.

Additional information may be obtained from Guy G. Mathews, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1189.

Filed: September 21, 1979, 12:26 p.m.
Doc. No. 796317

Monday, October 1, 1979, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 South IH 35, Austin. According to the agenda summary, the meeting includes the following: review MER; exceptions to SWR 69; special allowables; exceptions to SWR 14(C), motion to cancel temporary special allowable; Rule 37 cases; proper pluggings; net gas-oil ratio rule; gas field rules; amendment of field rules; denial of application for special allowable; determination of proper reservoir designation; request for field rules; adoption of temporary field rules. The division will also consider the following administrative items: suspensions of allocation formulas; new oil and gas discoveries; exception for gas metering requirement for compressor station; permission to commingle nonunitization production with unitization production; exception to SWR 23; exceptions to SWR 14(B)(2); exception to SWR 11; exceptions to SWR 8(c).

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

Filed: September 21, 1979, 12:29 p.m.
Doc. No. 796320

Monday, October 1, 1979, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas makes an addition to meeting to be held at 1124 South IH 35, Austin. According to the agenda summary, the addition concerns consideration of category determination under Section 102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108 of the Natural Gas Policy Act of 1978.

Additional information may be obtained from Linda D. Carr, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1278.

Filed: September 21, 1979, 12:32 p.m.
Doc. No. 796322

Monday, October 1, 1979, 9 a.m. The Surface Mining Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 IH 35, Austin, to consider the director's report.

Additional information may be obtained from J. Randel Hill, P.O. Box 12967, Austin, Texas 78711, telephone (512) 445-1178.

Filed: September 21, 1979, 12:26 p.m.
Doc. No. 796318

Monday, October 1, 1979, 9 a.m. The Transportation Division of the Railroad Commission of Texas will meet in Room 107, 1124 South IH 35, Austin. According to the agenda summary, the division will consider the following applications: amend authority; truck rate; bus rate; motor brokers license; clearance deviation; lease authority; new authority; name change; rail rate; reinstatement; sell authority; railroad track abandonment; voluntary suspension; and the director's report.

Additional information may be obtained from Owen T. Kinney, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445 1330.

Filed: September 21, 1979, 12:24 p.m.
Doc. No. 796316

Thursday, October 18, 1979, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas will meet in the Driskill Hotel, 117 E. 7th Street, Austin. According to the agenda summary, the division will conduct a statewide hearing on oil and gas matters.

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

Filed: September 21, 1979, 12:34 p.m.
Doc. No. 796323

State Securities Board

Friday, September 28, 1979, 10 a.m. The securities commissioner will conduct a hearing in Room 709, LBJ Building, 111 E. 7th Street, Austin, for the purpose of determining whether the registration of Phillip 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. This hearing was originally scheduled for September 14, 1979, rescheduled for September 20, 1979, and now rescheduled for the above date and time.

Additional information may be obtained from Patrick Lanier, LBJ Building, Room 709, Austin, Texas.

Filed: September 20, 1979, 2:35 p.m.
Doc. No. 796280

Friday, September 28, 1979, 1:30 p.m. The securities commissioner will conduct a hearing in Room 709, LBJ Building, 111 E. 7th Street, Austin. According to the agenda, the commissioner will determine whether the registration of First Citizens Municipal Corporation as a general securities dealer in Texas should be granted or denied.

Additional information may be obtained from Patrick Lanier, LBJ State Office Building, Room 709, Austin, Texas.

Filed: September 20, 1979, 4:24 p.m.
Doc. No. 796271

Texas State Soil and Water Conservation Board

Tuesday-Thursday, October 2-4, 1979, 2 p.m., Tuesday-noon, Thursday. The Texas State Soil and Water Conservation Board will meet in the Charro Room, Holiday Inn, Downtown, El Paso, on Tuesday, to consider district director appointments, resolutions, and finalization of the program for the annual state meeting. On Wednesday and Thursday the board will conduct the annual statewide meeting of district directors at the El Paso Civic Center, El Paso.

Additional information may be obtained from A. C. Spencer, 1002 First National Building, Temple, Texas, telephone (817) 773-2250.

Filed: September 24, 1979, 11:57 a.m.
Doc. No. 796337

Stephen F. Austin State University

Monday, October 1, 1979, 2:30 p.m. The Board of Regents Building Committee of Stephen F. Austin State University will meet in Room 307, Austin Building, on campus in Nacogdoches. According to the agenda summary, the committee will consider the university's master plan for campus construction.

Additional information may be obtained from Dr. William R. Johnson, Box 6078—SFA Station, Nacogdoches, Texas 75962, telephone (713) 569-2201.

Filed: September 24, 1979, 11:34 a.m.
Doc. No. 796340

Texas Turnpike Authority

Wednesday, October 3, 1979, 2:30 p.m. The Permanent Contract Awards Committee of the Texas Turnpike Authority will meet in the Texas Turnpike Authority Administration Building, 910 North Watson Road, Arlington. According to the agenda summary, the committee will consider the following items: awarding Contract HSC-17 for the construction of south approach structure low dry spans for the Houston Ship Channel Bridge project and approving a supplemental agreement to Contract MLB-6 for design of maintenance facilities for the Mountain Creek Lake Bridge project.

Additional information may be obtained from Harry Kabler, P.O. Box 5547, Arlington, Texas 76011, telephone (817) 261-3151.

Filed: September 24, 1979, 12:07 p.m.
Doc. No. 796336

Texas Water Commission

Friday, September 21, 1979, 11 a.m. The Texas Water Commission held an emergency meeting in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission considered an application by Structural Metals, Inc., for a temporary order to authorize the disposal of approximately 300,000 gallons of industrial wastewater by irrigation on company-owned land.

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

Filed: September 21, 1979, 8:36 a.m.
Doc. No. 796280

Monday, September 24, 1979, 10 a.m. The Texas Water Commission made emergency additions to a meeting held in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the additions concerned petitions for creation of Montgomery Municipal Utility District No. 43 and Montgomery County Municipal Utility District No. 44 for filing and setting of hearing dates.

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

Filed: September 20, 1979, 2:43 p.m.
Doc. No. 796261

Monday, October 1, 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 the following: district bond issues; release from escrow; use of surplus funds; water quality permits; renewal of permits; amendments to permits; voluntary cancellation of water quality permits; consideration of private sewage facility regulations; adoption of

rules controlling installation of private sewage facilities in regulated areas around Highland Lakes; consideration of adjudication material; approval of construction plans and specifications; extension of time; and filing and setting of hearing dates.

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

Filed: September 20, 1979, 2:43 p.m.
Doc. No. 796262

Wednesday, October 3, 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 petition for organization of Northwest Harris County Municipal Utility District No. 19 which contains 555.14 acres of land.

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

Filed: September 20, 1979, 2:44 p.m.
Doc. No. 796263

Wednesday, October 3, 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 petition for organization of Northwest Harris County Municipal Utility District No. 8 which contains 136.7711 acres of land.

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

Filed: September 20, 1979, 2:45 p.m.
Doc. No. 796264

Friday, October 5, 1979, 10 a.m. The Texas Water Commission will conduct hearings in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summaries, the commission will consider petitions for creation of Hurst Creek Municipal Utility District containing 700.06 acres of land and creation of Evadale Municipal Utility District containing 4,821 acres of land.

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

Filed: September 20, 1979 2:45 p.m.
Doc. No. 796265-796266

Tuesday, October 9, 1979, 2 p.m. The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider a petition for organization of Denton County Municipal Utility District No. 2, containing 351.73 acres of land.

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

Filed: September 20, 1979, 2:48 p.m.
Doc. No. 796267

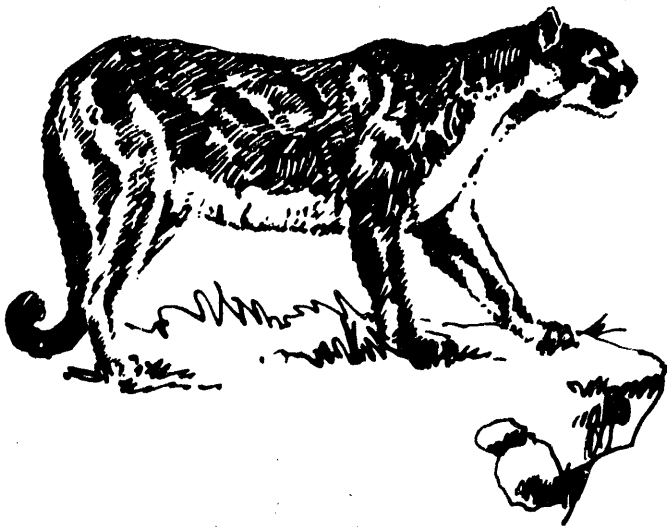
Friday, October 26, 1979, 10 a.m. The Texas Water Commission will conduct hearings at the Citizen Standard Building, first floor assembly room, 1305 N. Shoreline Drive, Corpus Christi. According to the summarized agendas, the commission will consider the following applications:

Uni Oil Incorporated, Ingleside, for an amendment to Permit 02142 to change the point of discharge

Copano Refining Company, San Antonio, for a permit to authorize a discharge of industrial wastewater effluent at a volume not to exceed an average flow of 30,000 gallons per day

Additional information may be obtained from Lee Mathews, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1311.

Filed: September 21, 1979, 2:42 p.m.
Doc. No. 796327-796328



Regional Agencies

Meetings Filed September 20, 1979

The Austin-Travis County MH/MR Center, Board of Trustees, met at 1430 Collier Street, Austin, on September 27, 1979, at 7 p.m. Further information may be obtained from John Brubaker, 1430 Collier Street, Austin, Texas 78704, telephone (512) 447-4141.

Doc. No. 796268

Meetings Filed September 21, 1979

The CETA Consortium Region XI, McLennan County Non-Urban Administration Unit, met at the County Courthouse, Waco, on September 27, 1979, at 10 a.m. Further information may be obtained from Nancy Miller, 130 North Sixth Street, Waco, telephone (817) 756-1851.

The High Plains Underground Water Conservation District 1, Board of Directors, met at 2930 Avenue Q, Lubbock, on September 25, 1979, at 10:30 a.m. Further information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, telephone (806) 762-0180.

The Lubbock Regional MH/MR Center, met at 1210 Texas Avenue, Lubbock, on September 25, 1979, at 4:30 p.m. Further information may be obtained from Gene Menefee, 1210 Texas Avenue, Lubbock, Texas 79401, telephone (806) 763-4213.

Doc. No. 796299

Meetings Filed September 24, 1979

The Alamo Area Council of Governments, Area Counties Membership of the Alamo Consortium, met in emergency session at 532 Three Americas Building, San Antonio, on September 26, 1979, at noon. The Executive Committee met in emergency session at the same location on the same date at 1:30 p.m. Additional information may be obtained from Al J. Notzon III, 400 Three Americas Building, San Antonio, Texas 78205, telephone (512) 225-5201.

The Ark-Tex Council of Governments, Executive Committee, met in emergency session at the Alps Restaurant, Mt. Pleasant, on September 25, 1979, at 6 p.m. The Regional Alcohol/Drug Abuse Advisory Committee met at the Region VIII Education Service Center, 100 North Riddle Street, Mt. Pleasant, on September 27, 1979, at 12:30 p.m. The Executive Committee will meet at the Alps Restaurant, Mt. Pleasant, on October 4, 1979, at 6 p.m. Additional information may be obtained from Laura Jacobus, P.O. Box 5307, Texarkana, Texas 75501, telephone (214) 794-3481.

The Brazos River Authority, Board of Directors Dedication Committee, met at the project supervisor's office, Lake Limestone, on September 27, 1979, at 2:30 p.m. Additional information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76710, telephone (817) 776-1441.

The Camino Real Health Systems Agency, Board of Directors, met in emergency session in the conference room, 410 South Main Avenue, San Antonio, on September 26, 1979, at 7 p.m. Additional information may be obtained from Jose Antonio Contreras, 410 South Main Avenue, South 212, San Antonio, Texas 78204, telephone (512) 883-5743.

The Coastal Bend Council of Governments, Membership, will meet in the Central Jury Room, County Courthouse, 901 Leonard, Corpus Christi, on September 28, 1979, at 2 p.m. Additional information may be obtained from John P. Buckner, P.O. Box 9909, Corpus Christi, Texas 78408, telephone (512) 883-5743.

The Education Service Center, Region XVII, Board of Directors, will meet in Room 606, Texas Commerce Bank Building, Lubbock, on October 2, 1979, at 9:30 a.m. Addi-

tional information may be obtained from Ray Lanier, 700 Texas Commerce Bank Building, Lubbock, Texas, telephone (806) 763-4127.

The Heart of Texas Region MH/MR Center, Board of Trustees, met in emergency session in the conference room, 1401 North 18th Street, Waco, on September 25, 1979, at 3 p.m. Additional information may be obtained from Dean Maberry, P.O. Box 1277, Waco, Texas 76703, telephone (817) 752-3451, ext. 201.

The Houston-Galveston Area Council, Executive Committee, met in emergency session at 3701 West Alabama, Houston, on September 25, 1979, at 9:30 a.m. The Projects Review Committee will meet at the same location on October 2, 1979, at 9:30 a.m. Additional information may be obtained from Stevie Walters, P.O. Box 22777, Houston, Texas 77027, telephone (713) 627-3200.

The Mental Health/Mental Retardation Regional Center of East Texas, Board of Trustees, met at 524 East Front Street, Tyler, on September 27, 1979, at 4 p.m. Additional information may be obtained from Richard J. DeSanto, 305 South Broadway, 10th Floor, Bryant Building, Tyler, Texas 75702, telephone (214) 597-1351.

The Middle Rio Grande Development Council, A-95 Project Review Committee, met in emergency session at the Uvalde Civic Center, Uvalde, on September 26, 1979, at 2 p.m. Additional information may be obtained from Elia G. Santos, P.O. Box 1461, Del Rio, Texas 78840, telephone (512) 775-1581.

The board of the Northeast Texas Health Systems Agency will meet at the Marshall Civic Center, 2501 East End Boulevard, South, Marshall, on October 1, 1979, at 7:30 p.m. Additional information may be obtained from Bayard S. Galbraith, Suite 201, 505 East Travis Street, Marshall, Texas 75670, telephone (214) 938-8331.

The Panhandle Regional Planning Commission, Board of Directors, met in the Chamber of Commerce Conference Room, Amarillo Building, Third and Polk Streets, Amarillo, on September 27, 1979, at 1:30 p.m. Additional information may be obtained from George Loudder, P.O. Box 9257, Amarillo, Texas 79105, telephone (806) 372-3381.

The Panhandle Regional Planning Commission, Review Committee of the Panhandle Health Systems Agency, will meet at the Texas Tech University Regional Academic Health Center, 1400 Wallace Boulevard, Amarillo, on October 4, 1979, at 5 p.m. The Plan Development Committee of the Panhandle Health Systems Agency will meet at the same location on the same date at 7 p.m. Additional information may be obtained from E. L. Melin, 730 Amarillo Building, Amarillo, Texas 79105, telephone (806) 372-3381.

The Panhandle Rural Health Corporation, Board of Directors, met in emergency session at the Donley County Medical Center, Highway 70 North, Clarendon, on September 25, 1979, at 7:30 p.m. Additional information may be obtained from Kenneth Rascoe, 605 West Seventh, Amarillo, Texas, or P.O. Box 870, Highway 70 North, Clarendon, Texas, telephone (806) 374-9929 or (806) 874-3760.

The San Jacinto River Authority, Board of Directors, met in the Lake Conroe Office Building, Highway 105 West, Conroe, on September 27, 1979, at 2 p.m. Additional information may be obtained from Jack K. Ayer, P.O. Box 329, Conroe, Texas 77301, telephone (713) 588-1111.

The South Texas Development Council, Government Application Review Committee, met in emergency session in the STDC Conference Room, 600 South Sandman, Laredo, on September 25, 1979, at 4 p.m. The Overall Economic Development Program Committee will meet in the STDC Conference Room, Building S-1, International Airport, Laredo, on October 2, 1979, at 4 p.m. The South Texas Area Agency on Aging Advisory Committee will meet in the Zapata Community Center, Zapata, on October 17, 1979, at 2 p.m. Additional information may be obtained from Julie Saldana, Juan Vargas, and Deborah Shoup, respectively, at P.O. Box 2187, Laredo, Texas 78041, telephone (512) 722-3995.

The South Texas Health Systems Agency, Nominating Committee of the Lower Rio Grande Valley Subarea Council, will meet at the Rodeway Inn, Expressway and Mile 2-W, Mercedes, on October 2, 1979, at 6:30 p.m. The Lower Rio Grande Valley Advisory Council will meet at the same location on the same date at 7:30 p.m. Additional information may be obtained from Fidel Pizana, Station 1, Box 2378, Kingsville, Texas 78363, telephone (512) 595-5545. The Coastal Bend Subarea Health Advisory Council will meet at the Greenwood Senior Community Center, 4040 Greenwood Road, Corpus Christi, on October 3, 1979, at 7 p.m. Additional information may be obtained from Douglas M. Wilkey at the address and telephone number above.

The Tri-Region Health Systems Agency, Concho Valley Cardiovascular Task Force, will meet at the West Texas Rehabilitation Center, 128 South Magdalen, San Angelo, on October 3, 1979, at 7 p.m. Additional information may be obtained from Linda Moody, 2642 Post Oak Road, Abilene, Texas 79605, telephone (915) 698-9481.

The Upper Leon River Municipal Water District, Board of Directors, met at the general office of the filter plant, Proctor Lake, Comanche, on September 27, 1979, at 7 p.m. Additional information may be obtained from Lowell G. Pittman, Box 67, Comanche, Texas, telephone (817) 879-2258.

Doc. No. 796333

Department of Banking

Applications to Purchase Control of State Banks

Article 342-401a, Vernon's Texas Civil Statutes, requires any person who intends to buy control of a state bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On September 18, 1979, the banking commissioner received an application to acquire control of Ennis State Bank in Ennis by Pat Beard of Waco and S. R. Greenwood of Temple. Additional information may be obtained from Robert E. Stewart, 2601 North Lamar, Austin, Texas 78705, telephone (512) 475-4451.

Issued in Austin, Texas, on September 19, 1979.

Doc. No. 796258 Archie P. Clayton
Assistant Banking Commissioner

Filed: September 20, 1979, 10:26 a.m.

For further information, please call (512) 475-4451.

Comptroller of Public Accounts

Administrative Decision

Summary of Administrative Decision 9525

For copies of the following opinion selected and summarized by the Legal Services Division, contact Harriet Burke, Legal Services Division, P.O. Box 13528, Austin, Texas 78711. Copies will be edited to comply with confidentiality statutes.

Summary of Decision: A person who purchases property from an out-of-state vendor and brings the property into Texas for use is responsible for the payment of the Texas use tax unless he takes a receipt from a vendor engaged in business in Texas reflecting that tax was paid by him to the vendor (Texas Taxation—General Annotated, Article 20.031(A)).

Issued in Austin, Texas, on September 19, 1979.

Doc. No. 796243 Harriet Burke
Hearings Section
Comptroller of Public Accounts

Filed: September 20, 1979, 9:17 a.m.

For further information, please call (512) 475-2148.

Texas Health Facilities Commission

Applications for Declaratory Ruling, Exemption Certificate, and Transfer and Amendment of Certificate

Notice is given by the Texas Health Facilities Commission of applications (including a general project description) for declaratory rulings, exemption certificates, and transfers and amendments of certificates accepted September 12-18, 1979.

Should any person wish to become a formal party to any of the above-stated applications, that person must file a request to become a party to the application with the chairman of the commission within 25 days after the application is accepted. The first day for calculating this 25-day period is the first calendar day following the date of acceptance of the application. The 25th day will expire at 5 p.m. on the 25th consecutive day after the date said application is accepted. If the 25th day is a Saturday, Sunday, or state holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, or state holiday. When a request to become a party is mailed to the chairman of the commission, P.O. Box 15023, Austin, Texas 78761, it must be postmarked no later than the day prior to the last day allowed for filing of a request to become a party.

The contents and form of a request to become a party to an application for a declaratory ruling, exemption certificate, transfer of certificate, or amendment of certificate must meet the minimum criteria set out in Rule 315.20.01.050. Failure of a party to supply the minimum necessary information in the correct form will result in a defective request to become a party and such application will be considered uncontested.

The fact that an application is uncontested will not mean that it will be approved. The application will be approved only if the commission determines that it qualifies under the criteria of Sections 3.02 or 3.03 of Article 4418(h), Texas Revised Civil Statutes, and Rules 315.17.04.010-.030, 315.17.05.010-.030, 315.18.04.010-.030, and 315.18.05.010-.030.

In the following list, the applicant and date of acceptance are listed first, the file number second, and the relief sought and description of the project third. EC indicates exemption certificate, DR indicates declaratory ruling, TR indicates transfer of ownership, AMD indicates amendment of certificate, and CN indicates certificate of need.

Valley Hemodialysis Center, Inc., Brownsville (9/18/79)
AS79-0912-009

EC—Lease additional 3,200 square feet of space for use as business office, doctor's office, waiting room, isolation area, storage and mechanical repair

Mid-Jefferson County Hospital, Nederland (9/18/79)
AH79-0910-023

EC—Purchase portable image intensifier for use in surgery

Gulf Coast Hospital, Baytown (9/18/79)
AH79-0906-008

EC—Purchase telemetry equipment and Life-Pak V and APCOR Duplex/Multiplex Coronary Observation Unit in order to provide advanced life support to coronary victims during transportation to emergency at Gulf Coast Hospital

Valley Hemodialysis Center, Inc., McAllen (9/12/79)
AS79-0829-017

EC—Addition of two on-line chronic hemodialysis machines at an existing 10-machine facility

The Methodist Hospital, Houston (9/12/79)
AH79-0912-014

EC—Purchase a mobile two-dimensional imaging system to be administered by the Echo Cardiology Lab

Denton State School/MH/MR Regional Center of East Texas,
Denton (9/14/79)

AA79-0910-032

EC—Establish two 10-bed group homes in the Canton area to serve 10 ICF-MR-I-type men and 10 ICF-MR-I-type women

Valley Baptist Medical Center, Harlingen (9/17/79)

AH75-0811-014A(090479)

AMD/DR—Request for an extension of time of the completion deadline imposed in DR AH75-0811-014E (011179) from September 1, 1979, to June 1, 1980

Alice Physicians and Surgeons Hospital, Alice (9/14/79)

AH79-0914-018

EC—Purchase a portable building to be used for storage, construct a permanent building for central stores and supplies, relocate pharmacy and administrator's office, and remodel stairwells and corridor door

Sun Towers Hospital, El Paso (9/18/79)

AH79-0918-006

EC—Acquire additional ultrasound scanning system for radiology department

Texas Department of Health—Public Health Region 2,
Lubbock (9/18/79)

AO79-0919-019

EC—Expand maternal and child health care services offered in Health Service Area No. 2 by the Texas Department of Health, the Lubbock City Health Department, and the Plainview Hale County Health Department

Issued in Austin, Texas, on September 21, 1979.

Doc. No. 796307 Dan R. McNery
General Counsel
Texas Health Facilities Commission

Filed: September 21, 1979, 11:50 a.m.
For further information, please call (512) 475-6940.

Senate

Special Committee on Delivery of Human Services in Texas

Meeting of Subcommittee on Services for 0-17 Age Group

A meeting of the Subcommittee on Services for 0-17 Age Group will be held on Thursday, September 27, 1979, beginning at 9 a.m. in the Lieutenant Governor's Committee Room at the State Capitol. The subcommittee will discuss and consider for approval a section of the Report on a Service System for Children in Texas, "Previous Proposals for Revisions to the Texas System." The agenda also includes issues relating to preventive health—early periodic screening, diagnosis, and treatment (EPSDT)

Issued in Austin, Texas, on September 19, 1979.

Doc. No. 796238 June Hyer
Executive Director
Special Committee on Delivery of Human Services in Texas

Filed: September 19, 1979, 2:51 p.m.
For further information, please call (512) 475-1284.

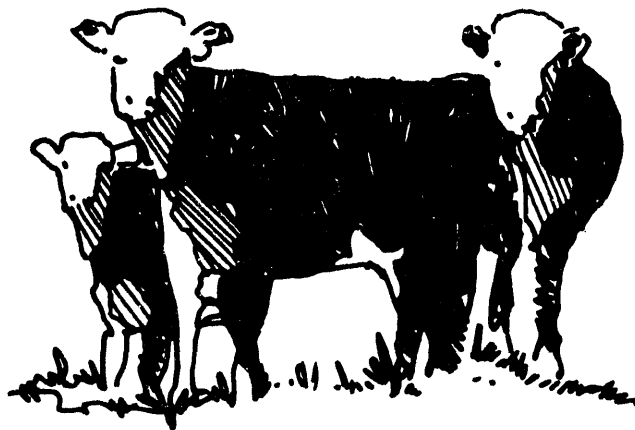
Meeting of Subcommittee to Study Mental Health/Mental Retardation Issues

A meeting of the Subcommittee to Study Mental Health/Mental Retardation Issues will be held on Friday, September 28, 1979, beginning at 9:30 a.m. in the Senate Finance Room, No. 301, at the State Capitol. A presentation will be made by the Department of Mental Health/Mental Retardation on policy and management issues identified and the department's overall objectives and achievements to date. Since the Governor's Office and the Texas Research League are also involved with studies relating to MH/MR, representatives of each have been invited to join the subcommittee for this presentation so as to reduce the information demands placed on the department by various groups.

Issued in Austin, Texas, on September 20, 1979.

Doc. No. 796259 June Hyer
Executive Director
Special Committee on Delivery of Human Services in Texas

Filed: September 20, 1979, 2:23 p.m.
For further information, please call (512) 475-1284.



Texas Register

Correction of Error

A meeting of the *Texas State Board of Pharmacy* held to conduct examinations for licensure of pharmacists contained an error as published in the September 18, 1979, issue of the *Texas Register* (4 TexReg 3368). The dates for that meeting should have read: *Tuesday-Thursday, September 25-27, 1979, 7:30 a.m. daily*. The meeting was published in the *Open Meetings* section of the above issue.

Notice of Schedule Variation

As previously scheduled, in view of the Columbus Day holiday on October 8, 1979, deadlines for submission of documents for publication in the October 12 issue of the *Texas Register* have been changed. The deadlines for submission of documents for publication in that issue are as follows: noon Thursday, October 4 (all copy except notices of open meetings), and noon Friday, October 5 (open meeting notices). The regular deadline schedule for submission of documents for publication will resume with the October 16 issue of the *Register*.

October, November, and December Publication Schedule for the *Texas Register*

Listed below are the deadline dates for the October, November, and December issues of the *Texas Register*. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition of the *Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Friday of the preceding week and Monday of the week of publication. An asterisk beside a publication date indicates that the deadlines have been moved because of state holidays. Please note that the issue published on October 30 will be an index; no other material will be published in that issue. The *Texas Register* will not be published on November 27 and December 28.

FOR ISSUE PUBLISHED ON:	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY NOON ON:	ALL NOTICES OF OPEN MEETINGS BY NOON ON:
Tuesday, October 2 Friday, October 5 Tuesday, October 9 *Friday, October 12 Tuesday, October 16 Friday, October 19 Tuesday, October 23 Friday, October 26 Tuesday, October 30	Wednesday, September 26 Friday, September 28 Wednesday, October 3 Thursday, October 4 Wednesday, October 10 Friday, October 12 Wednesday, October 17 Friday, October 19	Thursday, September 27 Monday, October 1 Thursday, October 4 Friday, October 5 Thursday, October 11 Monday, October 15 Thursday, October 18 Monday, October 22
3RD QUARTERLY INDEX		
Friday, November 2 Tuesday, November 6 Friday, November 9 Tuesday, November 13 Friday, November 16 Tuesday, November 20 Friday, November 23 Tuesday, November 27 *Friday, November 30	Friday, October 26 Wednesday, October 31 Friday, November 2 Wednesday, November 7 Friday, November 9 Wednesday, November 14 Friday, November 16	Monday, October 29 Thursday, November 1 Monday, November 5 Thursday, November 8 Monday, November 12 Thursday, November 15 Monday, November 19
NO ISSUE PUBLISHED		
Wednesday, November 21	Monday, November 26	
Tuesday, December 4 Friday, December 7 Tuesday, December 11 Friday, December 14 Tuesday, December 18 Friday, December 21 Tuesday, December 25 Friday, December 28	Wednesday, November 28 Friday, November 30 Wednesday, December 5 Friday, December 7 Wednesday, December 12 Friday, December 14 Wednesday, December 19	Thursday, November 29 Monday, December 3 Thursday, December 6 Monday, December 10 Thursday, December 13 Monday, December 17 Thursday, December 20
NO ISSUE PUBLISHED		

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

- Monday, October 8 Columbus Day
- Thursday & Friday, November 22 & 23 Thanksgiving
- Tuesday, December 25 Christmas

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

Texas Department of Water Resources Request for Proposal

Pursuant to Title 40, Code of Federal Regulations, Part 33, the Texas Department of Water Resources is soliciting proposals from qualified consulting firms for professional services to provide assistance to the department in the Continuing 208 Planning Program in Texas. According to the State of Texas Work Plan for the fiscal year 1978-79 Continuing Planning Program, a significant amount of effort is being programmed for the identification of wastewater treatment facility needs for areas of Texas that will need additional wastewater treatment facilities during the next 20 years. The purpose of this notice is to inform prospective consulting firms that the Texas Department of Water Resources is seeking consultant services for the development of a methodology document that is to be used as a resource document by local planning agencies to identify waste treatment works needs and other associated information for selected areas for the 20-year planning period.

The methodology document is to provide a step-by-step procedure to be executed for selected areas of population concentrations (e.g. towns, cities, subdivisions, etc.) in Texas. The use of the methodology should lead to the identification of the waste treatment works needs and other required information for the area so that a proposed waste treatment works project can be identified if there are needs for the area and the project can be entered onto the Construction Grants Priority List at the appropriate time. Identification of the needs and a waste treatment works project for an area is the first step in addressing the needed waste treatment facilities through the Public Law 95-217, Title II Construction Grants Program.

The methodology will provide methods, including all necessary technical documentation and data for developing the following types of information for each selected area:

- (1) facility planning area boundaries to include a review of regionalization possibilities;
- (2) documentation of existing population, historical population trends, projected population, and land use projections;

- (3) existing and projected waste loads;
- (4) classes of wastewater treatment system alternatives, associated per capita costs using treatment level cost curves, and financing alternatives;
- (5) management agency information.

Copies of the request for proposal (RFP) are available at the Texas Department of Water Resources and can be obtained by contacting Dr. Clyde E. Bohmfalk, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-6571.

The RFP contains a more detailed description of the consultant assistance required, the factors that will be considered in judging proposals, and other support information. Criteria for evaluation of the proposals will include: (1) technical competence of the contractor based on previous endeavors, and the scope and intent of the stated requirements; (2) availability, competence, and related experience of key personnel who would be responsible for contract performance; (3) an evaluation of the proposed methodology including an assessment of the consultant's comprehension of task requirements; the consultant's comprehension of the state of the art of the work elements; the techniques, tools, and innovative approaches utilized to develop the task outputs; and the proposed method of presenting the project output; (4) an evaluation of the management plan assessing the consultant's proposed utilization of time, resources, and key personnel in completing the study; time allotted to execution of each task will be evaluated to determine if appropriate priorities and phasing are proposed; (5) avoidance of personal organizational conflicts of interest; and (6) utilization of small and minority businesses, where practicable. Proposals from interested consultants should be submitted to Dr. Clyde E. Bohmfalk at the Texas Department of Water Resources by November 1, 1979.

Issued in Austin, Texas, on September 20, 1979.

Doc. No. 796308 Bruce Bigelow
 General Counsel
 Texas Department of Water Resources

Filed: September 21, 1979, 11:15 a.m.
For further information, please call (512) 475-6571.