

S500.6
R263
5/89
C.2

TEXAS REGISTER

TEXAS STATE LIBRARY

DEC 02 1980

TEXAS DOCUMENTS

In This Issue...

State Board of Nurse Examiners proposes to amend chapter concerning bylaws; proposed date of adoption—December 29. 4783

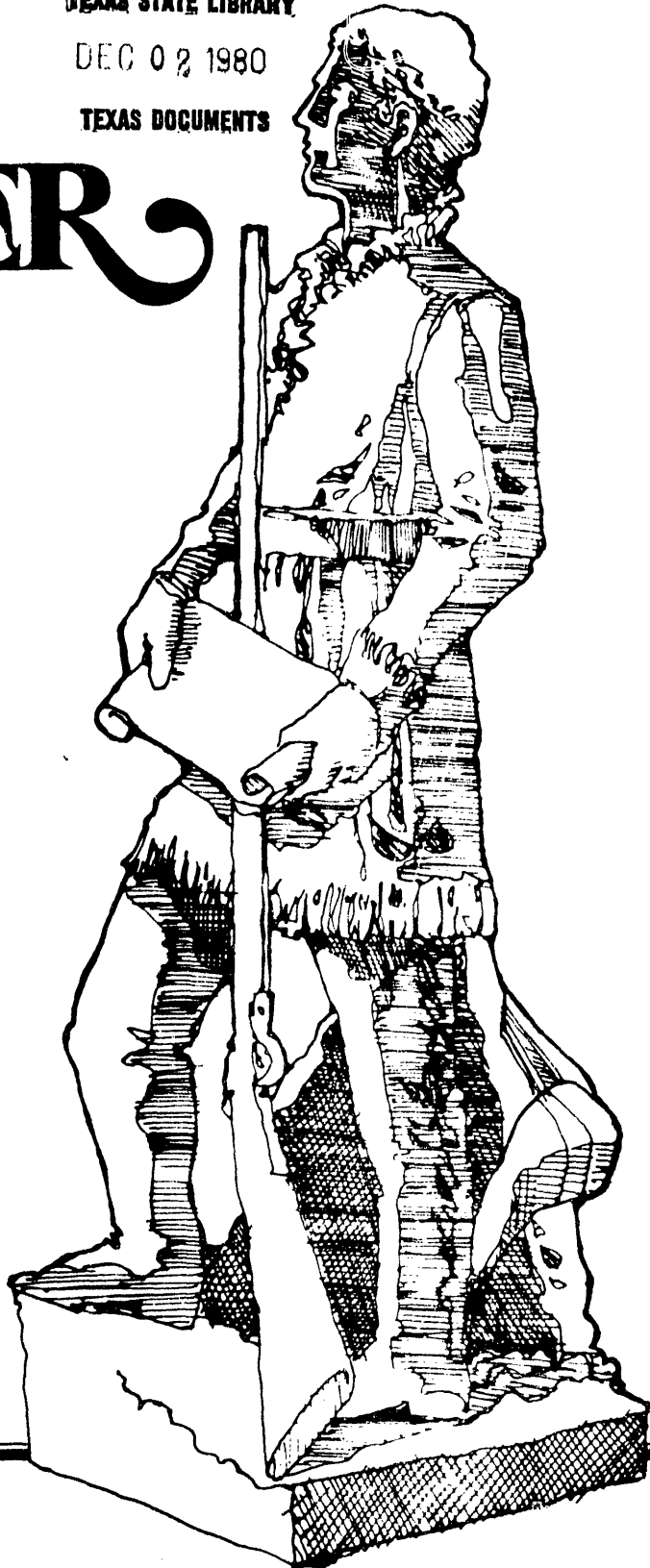
Comptroller of Public Accounts proposes to adopt new section concerning bad debts in its chapter on tax administration; proposed date of adoption—December 29 4784

Texas State Library and Archives Commission adopts amendments to its chapter on library development; effective date—December 15. . 4787

Texas State Board of Public Accountancy adopts the repeals of sections contained in its chapters concerning scope, registration, acts declared unlawful, acts not restricted, CPA examination, credits, hearings and disciplinary actions, proceedings, penalties for violations, and forms; effective date—December 11 4788

Texas Department of Human Resources adopts amendments, repeals, and new rules in the Intermediate Care Facility for Mental Retarded Program; effective date—December 11. 4792

Texas Register Division publishes revised publication schedule for month of December 4826



Office of the Secretary of State

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

Titles 1, 4, 7, 10, 13, 16, 22, 31, 34, 37, and 43 only of the TAC have now been published. Documents classified in the *Texas Register* to titles not yet published and certain documents affecting titles of the code have been accepted in the non-TAC format and may be renumbered or revised, or both, when initially codified in the TAC.

Under the TAC scheme, each agency rule is designated by a TAC number. For example, in the citation 1 TAC §27.15:

1 is the title (agencies grouped together by subject title which are arranged alphabetically)

TAC is the *Texas Administrative Code*

§27.15 is the section number (27 represents the chapter number and 15 represents the individual rule within the chapter)

Latest Texas Code Reporter
(Master Transmittal Sheet): No. 3, Aug. 80

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

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

TEXAS REGISTER



George W. Strake, Jr.
Secretary of State

The *Texas Register* (ISSN 0021-7581) is published twice weekly, at least 100 times a year, except January 1, May 30, September 5, December 2, and December 30, by the Texas Register Division, Office of the Secretary of State, 201 East 13th Street, P.O. Box 13824, Austin, Texas 78711, telephone (512) 475-1880. 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 \$10 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.

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 directly provided no such republication shall bear the legend "Texas Register" or "Official" without the written permission of the director, Texas Register Division. The *Texas Register* is published under the Texas Civil Statutes, Article 9252, Etc. Second class postage is paid at Austin, Texas, and additional entry of fees.

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

Texas Register Division

Charlotte Scroggins, Director

Linda Camp
Gail Myrick
Lindy Worthington

Emma Lawrence
Dee Wright
Sally Connelly
Bobbie Swift

Jeff Kampe
Linda Starks
Penny Williams

Emergency Rules

- Texas Department of Human Resources
4782 *Medicaid Eligibility*

Proposed Rules

- Office of the Secretary of State
4783 *Notary Public*
State Board of Nurse Examiners
4783 *Bylaws*
Comptroller of Public Accounts
4784 *Tax Administration*

Adopted Rules

- Office of the Secretary of State
4786 *Trademark Section: Practice and Procedure*
Texas State Library and Archives Commission
4787 *Library Development*
Texas State Board of Public Accountancy
4788 *Scope*
4788 *Registration*
4788 *Acts Declared Unlawful*
4788 *Acts Not Restricted*
4788 *CPA Examination*
4788 *Credits*
4788 *Hearings and Disciplinary Actions*
4789 *Proceedings*
4789 *Penalties for Violations*
4789 *Forms*
Texas Parks and Wildlife Department
4789 *Parks*
4790 *Wildlife*
Comptroller of Public Accounts
4790 *Central Administration*
4790 *Tax Administration*
Texas Commission on Law Enforcement Standards and Education
4791 *Administrative Decision*
Texas Department of Human Resources
4792 *Intermediate Care Facility for Mentally Retarded*
State Board of Insurance
4811 *Rating and Policy Forms*

Open Meetings

- 4812 *State Bar of Texas*
4812 *State Board of Canvassers*
4812 *Texas Coastal and Marine Council*
4812 *Texas Education Agency*
4813 *Employees Retirement System of Texas*
4813 *Texas Health Facilities Commission*
4813 *State Board of Insurance*
4815 *Texas State Board of Medical Examiners*
4815 *Merit System Council*
4815 *Midwestern State University*
4815 *Pan American University*
4815 *Texas State Board of Pharmacy*
4815 *Texas Board of Private Investigators and Private Security Agencies*
4816 *Public Utility Commission of Texas*
4817 *Railroad Commission of Texas*
4818 *Texas Real Estate Commission*
4818 *School Land Board*

- 4818 *State Securities Board*
4818 *University of Texas*
4818 *Texas A&M University*
4819 *Texas Tech University*
4821 *Texas Turnpike Authority*
4821 *Texas Water Commission*
4822 *Regional Agencies*

In Addition

- Texas Air Control Board
4823 *Amended Request for Proposal*
4823 *Applications for Construction Permits*
State Board of Dental Examiners
4823 *Notice of Position Vacancy*
Texas Energy and Natural Resources Advisory Council
4823 *Contract Awards*
General Land Office
4824 *Approval of Rate Schedule*
Harris County Appraisal District
4824 *Public Hearing*
Texas Health Facilities Commission
4824 *Applications for Declaratory Ruling, Exemption Certificate, and Transfer and Amendment of Certificate*
Texas State Board of Medical Examiners
4825 *Correction of Error*
State Board of Morticians
4825 *Correction of Error*
Office of the Secretary of State
4825 *Texas Register Division—Notice of Schedule Variation*
4826 *Texas Register Division—Revised Publication Schedule*
Texas Water Commission
4827 *Applications for Waste Discharge Permit*

Index

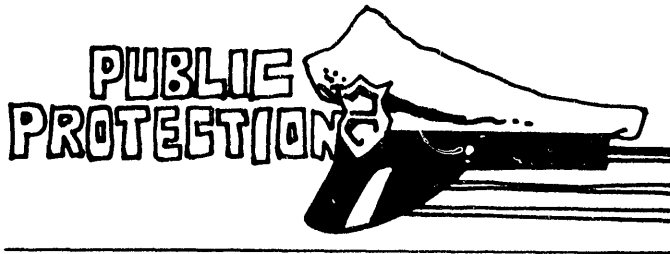
- 4828 *TAC Titles Affected in This Issue (Conversion Table)*
4829 *Table of TAC Titles*

EMERGENCY RULES

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

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

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



NONCODIFIED

Texas Department of Human Resources

Medicaid Eligibility 326.25

The Texas Department of Human Resources renews the effectiveness of the emergency adoption of amendments to Rules 326.25.21.001, 326.25.31.001, 326.25.34.020, 326.25.35.011, and 326.25.53.016, for a 60 day period, effective December 25, 1980. The text of the rule amendments was originally published in the September 9, 1980, issue of the *Texas Register* (5 TexReg 3595).

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

Doc. No. 808907 - Susan L. Johnson, Division Administrator
808911 Handbook and Procedures Development
Division
Texas Department of Human Resources

Effective Date: December 25, 1980

Expiration Date: February 23, 1981

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

An agency may adopt a proposed rule no earlier than 30 days after publication in the *Register*, except where a federal statute or regulation requires implementation of a rule on shorter notice.

Upon request, an agency shall provide a statement of the reasons for and against adoption of a rule. Any interested person may request this statement from the agency before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling objections to the agency's decision.

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

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

CODIFIED

TITLE 1. ADMINISTRATION

Part IV. Office of the Secretary of State

Chapter 87. Notary Public

Rejection And Revocation

The Office of the Secretary of State proposes to amend §87.43 (004.50.04.011) of this title (relating to Good Cause), to provide in subsection (a) for further examples of good cause for the rejection of an application for appointment as a notary public or the revocation of a notary public commission.

The staff of the Budget and Finance Section of the Office of the Secretary of State has determined that there will be no fiscal implications to either the state or units of local government.

Comments are invited and may be submitted in writing to Henry Garcia, acting director, Uniform Commercial Code and Notary Public Division, Office of the Secretary of State, P.O. Box 12887, Austin, Texas 78711.

These amendments are proposed under the authority of Article 5949, Texas Civil Statutes.

§87.43 (004.50.04.011). *Good Cause.*

(a) Good cause as stated hereinabove in §87.41 (004.50.04.009) of this title (relating to Rejection of Application and Revocation of Commission), shall include but not be

limited to a final conviction for a crime involving moral turpitude; any false statement knowingly made in an application; final conviction for the violation of any law concerning the regulation of the conduct of notaries public of this state or any other state; [and] the failure to comply with subsection (b) or (c) of Section 5 of Article 5949, Texas Civil Statutes, dealing with restrictions imposed on the advertising of notary services in a foreign language by other than attorneys and the prohibition against the literal translation of "notary public" into Spanish; *a failure to fully and faithfully discharge any of the duties or responsibilities required of a notary public; the unauthorized practice of law; a failure by the notary public to print or stamp his or her name and the date of expiration of his or her commission; a failure to administer an oath or affirmation as required by law; the collection of a fee in excess of those authorized by Article 3945, Texas Civil Statutes; a failure to keep a well-bound book of all notarial transactions as required by Article 5955, Texas Civil Statutes; a failure to provide a seal of office as required by Article 5960 and Article 5960(a), Texas Civil Statutes; the execution of any certificate as a notary public containing a statement known to the notary public to be false; a failure to complete the acknowledgment at the time the notary public's signature and seal are affixed to the document; the advertising in any manner whatsoever that you are a notary public in conjunction with and holding yourself out as an immigration specialist, immigration consultant, or any other title or description reflecting an expertise in immigration matters; and the use of false or misleading advertising wherein the notary public has represented that he or she has duties, rights, or privileges that are not possessed by law.*

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

Issued in Austin, Texas, on October 15, 1980.

Doc. No. 808935 George W. Strake, Jr.
Secretary of State

Proposed Date of Adoption: December 29, 1980

For further information, please call (512) 475-2015.

TITLE 22. EXAMINING BOARDS

Part XI. State Board of Nurse Examiners

Chapter 211. Bylaws

The State Board of Nurse Examiners proposes to amend §211.5 (388.01.00.005) of this title (relating to Board Functions), by minor additions and deletions.

These proposed amendments will have no fiscal implication to the state or local government.

Public comment is invited and may be submitted by telephoning Margaret Rowland, R.N., executive secretary, State Board of Nurse Examiners at (512) 478-9602, or by writing to the office of the board at 510 South Congress, Suite 216, Austin, Texas 78704.

These amendments are proposed under the authority of Article 4514, Texas Revised Civil Statutes.

§211.5 (388.01.00.005). *Board Functions.* A member of the board shall be appointed *as needed* to serve as *chairperson of committees to facilitate* [chairman in directing the] board functions in *areas such as nursing education, licensure, and nursing practice*. [each of the following areas. The chairman of each functional area shall be appointed at each annual meeting and shall serve until the next annual meeting.] *Nonboard members may be appointed in an advisory capacity to serve on committees.*

(1) Finance. The chairman shall work cooperatively with the treasurer and the executive secretary in the preparation of the annual budget.

(2) Education. The chairman shall work cooperatively with the treasurer and the executive secretary on:

(A) plans for school visits;

(B) recommendations to the schools following survey visits or reports;

(C) workshops or special programs for school representatives; field visits as needed; and

(D) general work of the board relating to educational activities.

(3) Nursing practice. The chairman shall:

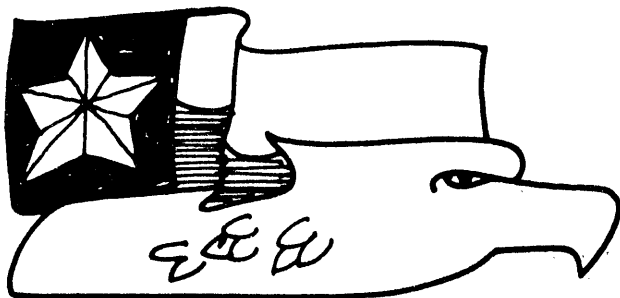
(A) work closely with the executive secretary in all matters relating to Article 4525 and the endorsement of mandatory licensure; and

(B) make field visits as necessary.]

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

Doc. No. 808872 Margaret L. Rowland, R.N.
Executive Secretary
State Board of Nurse Examiners

Proposed Date of Adoption: December 29, 1980
For further information, please call (512) 478-9602.



TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter F. Motor Vehicles Sales and Use Tax Division

The Comptroller of Public Accounts proposes to adopt new §3.91 (026.02.06.044) of this title (relating to Bad Debts). The proposed section sets forth the manner in which a retailer would be allowed to treat bad debts for motor vehicle gross receipts tax purposes. This proposed section reflects a

change in policy and, under certain circumstances, would now allow a retailer to take a deduction or receive credit for tax paid on gross rental receipts that are determined to be uncollectable.

The fiscal impact of the proposed section was estimated by obtaining information on the proportion of bad debts to total receipts from a sample of rental agencies.

The information showed that bad debts averaged no more than 1.0% of total rental tax receipts. Allowing a deduction or a credit for bad debts would therefore reduce gross rental receipts collections by 1.0%. This assumption was applied to the June 1980 estimate for the tax to produce the following estimated revenue reduction:

Fiscal Year	Estimated Rental Tax Collections	Net Revenue Loss (1.0%)
1981	\$15,340,000	\$153,400
1982	\$17,641,000	\$176,410
1983	\$20,287,000	\$202,870
1984	\$23,330,000	\$233,300
1985	\$26,829,000	\$268,290

Similar revenue effects would be expected for as long as the rule was in effect (source: revenue estimating staff, Comptroller of Public Accounts).

Public comment is invited. Persons should submit their comments in writing to Richard Montgomery, Drawer SS, Austin, Texas 78711.

This section is proposed under the authority of Texas Taxation—General Annotated, Article 1.10.

§3.91 (026.02.06.044). *Bad Debts.*

(a) Definitions. The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

Gross rental receipts—Any amount of money or the value of property received by or due the owner of a motor vehicle as consideration for the rental of the vehicle to another. Gross rental receipts does not include and tax is not due on:

- (A) a separately stated fee or charge for insurance;
- (B) an assessment for damage to the vehicle which occurred during a rental agreement period;
- (C) separately stated receipts for motor fuel sold by the owner of the vehicle;
- (D) discounts;
- (E) any amount of gross rental receipts tax collected by or due the owner of the vehicle.

Owner—The person named in the certificate of title of a motor vehicle as the owner of the vehicle, or a person having exclusive use of a motor vehicle under a rental agreement and who holds the motor vehicle for re-rental.

Rental or renting—An agreement whereby the owner of a motor vehicle gives exclusive use of the vehicle to another for a consideration and for a period of time not to exceed 180 days under any one agreement, or an agreement whereby an original manufacturer of motor vehicles gives exclusive use of a motor vehicle to another for a consideration, or an agreement whereby the owner of a motor vehicle gives exclusive use of the vehicle to another for re-rental purposes, regardless of the period of time covered by the agreement.

Retailer—Any owner of a motor vehicle who is responsible for collecting and reporting motor vehicle gross rental receipts tax pursuant to Texas Taxation—General Annotated, Article 6.04(3).

(b) Tax not due on bad debt.

(1) A retailer may take a deduction for rental receipts that are determined to be uncollectable during the same report period in which the rental was made if:

(A) the uncollectable amount of gross rental receipts is entered on the retailer's books as a bad debt, and

(B) the bad debt will be claimed as a deduction for federal income tax purposes.

(2) A retailer who has previously paid motor vehicle gross rental receipts tax may take a deduction or seek a credit for the tax paid on the gross rental receipts that are determined uncollectable if the uncollectable amount is entered on the retailer's books as a bad debt and claimed as a deduction for federal income tax purposes.

(A) The deduction must be taken or credit claimed for the period in which the amount was determined uncollectable.

(B) If the uncollectable amount includes taxable and nontaxable receipts as defined in §3.91 (.044) of this title (relating to definitions) a deduction or credit may be claimed for only the amount that represents taxable receipts.

(C) To determine the amount that represents taxable receipts all payments and credits may be applied proportionally against the fees the customer agreed to pay.

(3) If a retailer subsequently collects all or any part of a taxable amount previously determined uncollectable and

charged off for income tax purposes as a bad debt, the taxable amount collected, as defined in subsection (b)(2)(C), must be included in gross rental receipts on the return filed after such collection and the proper amount of tax must be remitted.

(c) Records required. To support a claim for a bad debt deduction or credit, a retailer must maintain complete records which document:

(1) the vehicle identification number, the year, and the model of the vehicle or vehicles involved;

(2) the date of the rental for which a deduction or credit is claimed;

(3) the name and address of the customer;

(4) the amount the customer agreed to pay;

(5) any amount on which the retailer has already paid tax;

(6) any payment or other credit applied to the account;

(7) evidence that the amount determined to be uncollectable has been legally charged off as a bad debt for federal income tax purposes.

(d) Credit does not qualify as a bad debt. When a retailer extends credit to a customer making a rental, the amount of credit so extended may not be labeled as a bad debt merely for the purpose of delaying the payment of tax.

Issued in Austin, Texas, on November 24, 1980.

Doc. No. 808936

Bob Bullock

Comptroller of Public Accounts

Proposed Date of Adoption: December 29, 1980

For further information, please call (512) 475-1935.

An agency may adopt a proposed rule no earlier than 30 days after publication in the *Register*, and the adoption may go into effect no sooner than 20 days after filing, except where a federal statute or regulation requires implementation of a rule on shorter notice.

Upon request, an agency shall provide a statement of the reasons for and against adoption of a rule. Any interested person may request this statement from the agency before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling objections to the agency's decision.

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

CODIFIED

TITLE 1. ADMINISTRATION

Part IV. Office of the Secretary of State

Chapter 93. Trademark Section: Practice and Procedure

Records and Files

The Office of the Secretary of State adopts the repeal of §§93.21 (004.70.02.001) of this title (relating to Copies and Certified Copies). Access to open records and the furnishing of copies and certificates are covered in §§71.1-71.11 (004.01.01.001-.011) of this title (relating to Practice and Procedure).

This repeal is adopted under the authority of Article 4331, Texas Civil Statutes, and Chapter 16, Subchapter B, of the Texas Business and Commerce Code.

Doc. No. 808913

Fees and Payment of Money

The Office of the Secretary of State adopts the repeal of §§93.31-93.34 (004.70.03.001-.004) of this title (relating to Fees and Payment of Money), which are covered in §§71.1-71.11 (004.01.01.001-.011) of this title (relating to Practice and Procedure).

This repeal is adopted under the authority of Article 4331, Texas Civil Statutes, and Chapter 16, Subchapter B, of the Texas Business and Commerce Code.

Doc. No. 808914

Chapter 95. Uniform Commercial Code

Records and Files

The Office of the Secretary of State adopts the repeal of §§95.11 and 95.12 (004.75.02.001 and .002) of this title (relating to Records and Files). Access to open records and the furnishing of copies and certificates are covered in §§71.1-71.11 (004.01.01.001-.011) of this title (relating to Practice and Procedure).

This repeal is adopted under the authority of Article 4331, Texas Civil Statutes, and Chapter 9, Subchapter D, of the Texas Business and Commerce Code.

Doc. No. 808915

Payment of Fees and Refunds

The Office of the Secretary of State adopts the repeal of §§95.21-95.23 (004.75.03.001-.003) of this title (relating to Payment of Fees and Refunds). Payment of fees and refunds is covered in §§71.1-71.11 (004.01.01.001-.011) of this title (relating to Practice and Procedure).

This repeal is adopted under the authority of Article 4331, Texas Civil Statutes, and Chapter 9, Subchapter D, of the Texas Business and Commerce Code.

Doc. No. 808916

Information Requests

The Office of the Secretary of State adopts the amendments to §95.43 (004.75.05.003) of this title (relating to Form), to provide that there will no longer be a distinction made between a standard and a nonstandard request for information or copies of filings made in the Office of the Secretary of State. The submission of fees will be covered in §§71.1-71.11 (004.01.01.001-.011) of this title (relating to Practice and Procedure).

These amendments are adopted under the authority of Article 4331, Texas Civil Statutes, and Chapter 9, Subchapter D, of the Texas Business and Commerce Code.

§95.43 (004.75.05.003). *Form* The request for information may be made on the Form UCC 11, approved by the Secretary of State of Texas. All requests received in a form other than the approved form will not require a fee for a nonstandard request.

Doc. No. 808917

Standard Forms

The Office of the Secretary of State adopts an amendment to §95.51(1) (004.75.06.001(1)) of this title (relating to Prescribed Form), to provide that there will no longer be a prescribed and approved standard form for the Request for Information or Copies, Form UCC 11, for use in obtaining certificates listing filings or copies of filings made in the Office of the Secretary of State. However, there will still be a prescribed and approved Standard Request for Information or Copies form for use with the county clerks of Texas.

This amendment is adopted under the authority of Article 4331, Texas Civil Statutes, and Chapter 9, Subchapter D, of the Texas Business and Commerce Code.

§95.51 (004.75.06.001). *Prescribed Form.* The secretary of state will prescribe the forms to be used in making any filing or in requesting any information of the secretary of state or county clerk.

(1) The secretary of state has prescribed and approved standard forms for the Financing Statement, Form UCC-1; the Financing Statement Change, Form UCC-3; the Request for Information or Copies, Form UCC-11, for use with the county clerks only and not the secretary of state; and the Filing Officer Copy, Form UCC-21.

(2) (No change.)

Issued in Austin, Texas, on November 21, 1980.

Doc. No. 808918 George W. Strake, Jr.
Secretary of State

Effective Date: December 12, 1980

Proposal Publication Date: October 14, 1980

For further information, please call (512) 475-2015.

TITLE 13. CULTURAL RESOURCES

Part I. Texas State Library and Archives Commission

Chapter 1. Library Development

Standards for Accreditation of a Major Resource System of Libraries in the Texas Library System

The Texas State Library has adopted amendments to §§1.44, 1.47, 1.51(3), 1.58, and 1.60 (351.20.04.004, .007, .011(3), .018, and .020) of this title (relating to Standards for Accreditation of a Major Resource System of Libraries in the Texas Library System). The sections were amended to clarify the meaning of the sections and to reflect the name change of the State Library's governing commission.

These amendments are adopted under the authority of Article 5446a, Texas Civil Statutes.

§1.44 (351.20.04.004). *Annual Program and Budget for System Services.* On behalf of a major resource system, a major resource center shall submit an annual program and budget for system services 120 days prior to the beginning of the state fiscal year for approval by the state librarian. Approval of a major resource system's annual program and budget shall be certified by the state librarian in writing 60 days prior to the beginning of the state fiscal year. If, following consultation with the major resource system the state librarian, on behalf of the Texas State Libraries and Archives Commission, does not certify approval of the system's annual program of services and budget, the state librarian may recommend that the commission revoke the major resource center's designation or withhold funds from the system until the plan is acceptably redrawn. If the state librarian does not accept a proposed program of service, a formal public hearing shall be held within the boundaries of the system, with adequate prior notification to member librarians, to allow exchange of information among member libraries, State Libr-

ary, and major resource center. If, following a public hearing the commission finds that program of the major resource system unacceptable and revokes the major resource center's designation, the major resource system is dissolved as defined under the Library System Act.

§1.47 (351.20.04.007). *Consulting and Continuing Education Service.* A major resource system shall provide consulting and continuing education services to public libraries on site. At least one professional librarian shall be assigned full time to consulting and other system duties and provided with an adequate budget for support staff, travel, and communications to carry out these duties. A professional librarian is defined as a librarian holding either a fifth-year degree in librarianship or master's degree from an American Library Association accredited library school.

§1.51 (351.20.04.011). *Indirect Costs.* Costs applicable to major resource system grants shall follow the general principles established in Federal Management Circular 74-4, July 18, 1974, with the following modifications:

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

(3) Depreciation and use charges for buildings or capital improvements, library materials, and equipment may only be included as indirect costs.

§1.58 (351.20.04.018). *Property Inventory.* On behalf of a major resource system, a major resource center shall maintain and submit an inventory of all real and nonexpendable personal property purchased and valued at more than \$50 and all films and videotapes purchased with state or federal funds. The director of the local library having possession of state property shall be considered an "agency head" and the system member library shall be considered an "agency" under Article 601b, Section 8, Property Accounting, and where system property disappears whether through theft or other cause as a result of the failure of the library director, property manager, or system employee entrusted with the property in writing to exercise reasonable care for its safekeeping, such persons shall be pecuniarily liable to the state for the loss sustained by the state. In the event that a library withdraws or fails to qualify for system membership, all property and library materials on inventory purchased with federal or state funds shall be disposed of according to instructions from the state librarian. Such instructions may require that the property be returned to the Texas State Library and Archives Commission or transferred to a system member library. This section shall not be interpreted so as to hold the library system or library staff responsible for the normal wear or loss of films, videotapes, and equipment due to use or loss while in circulation or transit.

§1.60 (351.20.04.020). *Performance Reporting.* On behalf of a major resource system, a major resource center must collect and report program performance measures, accompanied by a narrative report, that conform to the Texas State Library and Archives Commission's Program Performance Report as required by the legislature and governor's budget boards.

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

Doc. No. 808942 William D. Gooch
Assistant State Librarian
Texas State Library and Archives
Commission

Effective Date: December 15, 1980

Proposal Publication Date: September 2, 1980

For further information, please call (512) 475-6656.

The Texas State Library and Archives Commission has with drawn from consideration for adoption proposed amendments to paragraphs (1) and (2) of §1.51 (351.20.04.011) of this title (relating to Standards for Accreditation of a Major Resource System of Libraries in the Texas Library System). The text of the amended section as proposed was published in the Sep-tember 2, 1980, issue of the *Texas Register* (5 TexReg 3546).

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

Doc. No. 808943 William D. Gooch
Assistant State Librarian
Texas State Library and Archives
Commission

Filed: November 24, 1980, 9:41 a.m.
For further information, please call (512) 475-6656.

TITLE 22. EXAMINING BOARDS

Part XXII. Texas State Board of Public Accountancy

The Texas State Board of Public Accountancy (the board) adopts the repeal of §§481.1 and 481.2 (401.02.00.001 and .002) of this title dealing with the scope of administrative procedures and the rules of professional conduct; §§483.1-483.15 (401.06.00.001-.015) of this title dealing with the registration of persons and entities involved in the practice of public accounting in the State of Texas; §485.1 (401.07.00.001) of this title dealing with unlawful acts; §§487.1-487.5 (401.08.00.001-.005) of this title dealing with nonrestricted acts by persons or entities involved in the practice of public accounting in the State of Texas; §§489.1-489.23 (401.10.00.001-.023) of this title dealing with the CPA examination; §491.1 (401.11.00.001) of this title dealing with transfer of credits for the CPA examination taken under another jurisdiction; §493.1 (401.12.00.001) of this title dealing with disciplinary actions after board hearings; §495.1 (401.13.00.001) of this title dealing with the board's authority to initiate proceedings; §497.1 (401.14.00.001) of this title dealing with penalties for viola-tions of the Public Accountancy Act of 1945; and §§499.1-499.25 (401.15.00.001-.025) of this title dealing with forms used by the board in carrying out its duties. These sec-tions were proposed for repeal on June 21, 1979, and the pro-posal was published in the June 29, 1979, issue of the *Texas Register* (4 TexReg 2344).

The repeal of the Public Accountancy Act of 1945 (Vernon's Annotated Texas Statutes, Article 41A) and the adoption of the Public Accountancy Act of 1979 (Vernon's Annotated Texas Statutes, Article 41a-1) on September 1, 1979, made it necessary for all substantive rules adopted under the 1945 Act to be repealed and replaced, where applicable, with new rules.

Chapter 481. Scope

The repeal of §§481.1 and 481.2 (.001 and .002) of this title (relating to Scope) is adopted under the authority of the Public Accountancy Act of 1979 (Vernon's Annotated Texas Statutes, Article 41a-1, Section 6).

Doc. No. 808875

Chapter 483. Registration

The repeal of §§483.1-483.15 (401.06.00.001-.015) of this title (relating to Registration) is adopted under the authority of the Public Accountancy Act of 1979 (Vernon's Annotated Texas Statutes, Article 41a-1, Section 6).

Doc. No. 808876

Chapter 485. Acts Declared Unlawful

The repeal of §485.1 (401.07.00.001) of this title (relating to Unlawful Acts) is adopted under the authority of the Public Accountancy Act of 1979 (Vernon's Annotated Texas Statutes, Article 41a-1, Section 6).

Doc. No. 808877

Chapter 487. Acts Not Restricted

The repeal of §§487.1-487.5 (401.08.00.001-.005) of this title (relating to Acts Not Restricted) is adopted under the authority of the Public Accountancy Act of 1979 (Vernon's Annotated Texas Statutes, Article 41a-1, Section 6).

Doc. No. 808878

Chapter 489. CPA Examination

The repeal of §§489.1-489.23 (401.10.00.001-.023) of this title (relating to CPA Examination) is adopted under the authority of the Public Accountancy Act of 1979 (Vernon's Annotated Texas Statutes, Article 41a-1, Section 6).

Doc. No. 808879

Chapter 491. Credits

The repeal of §491.1 (401.11.00.001) of this title (relating to Transfer of Credits) is adopted under the authority of the Public Accountancy Act of 1979 (Vernon's Annotated Texas Statutes, Article 41a-1, Section 6).

Doc. No. 808880

Chapter 493. Hearings and Disciplinary Actions

The repeal of §493.1 (401.12.00.001) of this title (relating to Authority To Take Disciplinary Actions after Hearings) is adopted under the authority of the Public Accountancy Act of 1979 (Vernon's Annotated Texas Statutes, Article 41a-1, Sec-tion 6).

Doc. No. 808881

Chapter 495. Proceedings

The repeal of §495.1 (401.13.00.001) of this title (relating to Board's Authority To Initiate Proceedings) is adopted under the authority of the Public Accountancy Act of 1979 (Vernon's Annotated Texas Statutes, Article 41a-1, Section 6).

Doc. No. 808882

Chapter 497. Penalties for Violations

The repeal of §497.1 (401.14.00.001) of this title (relating to Injunctive Relief, Fines, and Imprisonment) is adopted under the authority of the Public Accountancy Act of 1979 (Vernon's Annotated Texas Statutes, Article 41a-1, Section 6).

Doc. No. 808883

Chapter 499. Forms

The repeal of §§499.1-499.25 of this title (relating to Forms) is adopted under the authority of the Public Accountancy Act of 1979 (Vernon's Annotated Texas Statutes, Article 41a-1, Section 6).

Issued in Austin, Texas, on November 10, 1980.

Doc. No. 808884 Bob E. Bradley
Executive Director
Texas State Board of Public
Accountancy

Effective Date: December 11, 1980
Proposal Publication Date: June 29, 1979
For further information, please call (512) 451-0241.

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department

Chapter 59. Parks

Caprock Canyons State Park Aoudad Sheep Management Hunt

The Texas Parks and Wildlife Commission has adopted §59.271-59.279 (127.40.15.001-.009) of this title (relating to Caprock Canyons State Park Aoudad Sheep Management Hunt), to permit the harvest of aoudad sheep by public hunting in Caprock Canyons State Park. Caprock Canyons State Park is located in Briscoe County within the high plains ecological region.

No comments were received from the public and no changes were made in the proposed text.

These sections are adopted under the authority of Chapter 62, Subchapter D, Texas Parks and Wildlife Code.

§59.271 (127.40.15.001). Application.

(a) These sections apply to the taking of aoudad sheep at Caprock Canyons State Park in Briscoe County.

(b) These sections shall prevail at Caprock Canyons State Park over all other state park rules to the extent of conflict only.

(c) These sections do not apply to the Parks and Wildlife Department, its agents or employees, when in the course of acts or procedures of conservation, or other practices considered by the department to be in the best interest of game management conservation in the State of Texas.

§59.272 (127.40.15.002). Definitions. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

Department or Parks and Wildlife Department. The Texas Parks and Wildlife Department, or a specifically authorized employee of the department.

Paraplegic. An individual afflicted with paralysis of lower half of body without movement of both legs usually due to disease or injury to spinal cord.

§59.273 (127.40.15.003). Means and Methods. It is unlawful to take, kill, or attempt to take or kill aoudad sheep, except by the use of rifles, capable of and designed for being shot from the shoulder, using center-fire ammunition only.

§59.274 (127.40.15.004). Hunting from Vehicle.

(a) It is unlawful for a person, except a paraplegic, to shoot at or take aoudad sheep from any type of motor-powered vehicle.

(b) Hunting or shooting from a public road in the park, on foot or in a vehicle, is prohibited.

§59.275 (127.40.15.005). Hunting Permits

(a) Hunting of aoudad sheep shall be by permit only. Permits shall be issued by the department to applicants by means of an impartial method of distribution subject to limitations on the maximum number of permits to be issued.

(b) The department shall charge a reasonable permit fee in the amount set by the commission based on the costs of the department in issuing the permits, enforcing game laws and protecting hunters during hunting periods. The permit fee is \$150.

(c) The permit is valid for a 48-hour period.

(d) No person may receive a permit for hunting aoudad sheep for two consecutive years unless all applications from persons who applied but did not receive a permit for the preceding year are filled.

(e) The permit shall be attached to the carcass of the aoudad sheep before exiting the park premises.

§59.276 (127.40.15.006). Checking Game. Aoudad sheep taken by hunters shall be checked at a department checking station before the carcass is removed from the premises.

§59.277 (127.40.15.007). Open Season and Bag Limit.

(a) It is unlawful to take aoudad sheep at any time other than during the open season provided by this section, or to take more than the daily bag limit, or to have in possession more than the possession limit.

(b) The open season for aoudad sheep is January 3 through January 18, 1981.

(c) The shooting hours are 1/2 hour before sunrise to 1/2 hour after sunset.

(d) The daily bag and possession limit is one aoudad sheep, either sex.

(e) It is unlawful to take or attempt to take animals other than aoudad sheep.

§59.278 (127.40.15.008). *General Rules.*

(a) Hunters shall wear 400 square inches of daylight fluorescent orange material with at least 144 square inches appearing on both the chest and back.

(b) Only persons who have valid permits shall be allowed within the park during the aoudad sheep open season.

(c) Horses and dogs are prohibited.

(d) Intoxicants are prohibited.

(e) Vehicles are prohibited from leaving established roads.

(f) Motorcycles are prohibited.

(g) Disturbance or removal of plants, artifacts, and/or rocks is prohibited.

(h) The open season may be closed earlier by order of the executive director of the department if subsequent data indicate that a shorter season would be in the interest of sound conservation practices.

(i) Strewing of refuse, litter, trash, or garbage is prohibited.

(j) Hunters shall possess a valid Texas hunting license in addition to the aoudad sheep permit.

§59.279 (127.40.15.009). *Penalties.* The penalty for violation of these sections is prescribed by Section 62.069, Texas Parks and Wildlife Code.

Doc. No. 808905

Chapter 65. Wildlife

Subchapter A. Statewide Hunting, Fishing, and Trapping

The Texas Parks and Wildlife Commission in a regularly scheduled public hearing held November 6, 1980, adopted amendments to §65.77 (127.70.01.376) of this title (relating to Shrimp), concerning shrimping regulations in Brazoria County. The commission expanded the areas where shrimp may be taken by dip net, cast net, and 20 foot minnow seines.

These amendments are adopted under the authority of the Uniform Wildlife Regulatory Act, Chapter 61, Texas Parks and Wildlife Code.

§65.77 (127.70.01.376). *Shrimp.* The licensing provisions, the taking, possession, handling, loading, unloading, buying, selling, and processing of shrimp shall be governed by and subject to the penalties prescribed in Chapter 77, Texas Parks and Wildlife Code, except:

(1) (No change.)

(2) Brazoria County shrimp.

(A) In Brazoria County, the waters of West Bay lying south and southeast of the intracoastal waterway are a major bay where the means, manners, methods, times, places, and quantity for taking shrimp are the same as those for major bays in Chapter 77, Parks and Wildlife Code.

(B) In Brazoria County, the waters of those portions of Chocolate Bay, West Bay, and the Old Brazos River lying north of the intracoastal waterway are bait bays where the means, manners, methods, times, places, and quantity for taking shrimp are the same as those for bait bays in Chapter 77, Parks and Wildlife Code.

(C) In the remaining inside waters (as defined in Section 77.001, Parks and Wildlife Code) of Brazoria County, bait shrimp may be taken during daylight hours only in an amount not to exceed two quarts per person per day. Only cast nets, dip nets, or 20 foot minnow seines that are manually operated on foot only without the use of any mechanical means or devices may be used.

(D) In the outside waters (as defined in Section 77.001, Parks and Wildlife Code) of Brazoria County, the means, manners, methods, times, places, and quantity for taking shrimp are the same as those for outside waters in Chapter 77, Parks and Wildlife Code.

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

Doc. No. 808906

Maurine Ray

Administrative Assistant

Texas Parks and Wildlife Department

Effective Date: December 12, 1980

Proposal Publication Date: September 26, 1980

For further information, please call (512) 475-4954.

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 1. Central Administration

Practice and Procedure

Under the authority of Texas Taxation—General Annotated, Article 1.10, the Comptroller of Public Accounts has adopted amendments to §1.8 (026.01.01.008) of this title (relating to Request for More Definite or Detailed Basis of Agency Action) to read as follows:

§1.8 (026.01.01.008). *Request for More Definite or Detailed Basis of Agency Action.* Within 15 days of the date of the comptroller's letter, a petitioner may request, in the form of written questions addressed to any specific part(s) of the determination, a more definite or detailed statement of the factual and legal bases for the comptroller's determination. If requested, the hearings attorney shall furnish a more definite or detailed statement on the question(s) raised by the petitioner.

Issued in Austin, Texas, on November 24, 1980.

Doc. No. 808937

Bob Bullock

Comptroller of Public Accounts

Effective Date: January 1, 1981

Proposal Publication Date: October 14, 1980

For further information, please call (512) 475-1938.

Chapter 3. Tax Administration

Subchapter K. Tobacco Products Tax Division— Hotel Occupancy Tax

Under the authority of Texas Taxation—General Annotated, Article 23.05 (Vernon 1969), the Comptroller of Public Accounts has adopted §3.165 (026.02.23.005) of this title (relating to Hotel Occupancy Tax Base) to read as follows:

§3.165 (026.02.23.005). Hotel Occupancy Tax Base.

(a) **Definitions.** The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

Charges for personal services—Charges which are unrelated to the cost of the actual occupancy of the room or rooms. Charges for personal services do not include charges which are related to the cleaning and readying of such room for occupancy.

Occupancy—The use or possession, or the right to the use or possession, of any room or rooms in a hotel for any purpose.

(b) All charges for items or services, other than personal services or charges for the use of a telephone, which are furnished in connection with the actual occupancy of the room are subject to the hotel occupancy tax. Such charges shall include charges for the use of a television and charges for the furnishing of additional beds or cots. These charges are includable within the tax base whether or not separately stated.

Examples:

Charge for room occupancy	\$37.50
Television rental	2.50
Total	\$40.00 (amount subject to tax)

Charge for room occupancy (includes use of a television)	\$40.00
Total	\$40.00 (amount subject to tax)

(c) Charges for personal services are not subject to the hotel occupancy tax if such charges are separately stated. Such charges include charges for room service, messenger service, and valet service.

Issued in Austin, Texas, on November 24, 1980.

Doc. No. 808936 Bob Bullock
Comptroller of Public Accounts

Effective Date: December 15, 1980
Proposal Publication Date: September 26, 1980
For further information, please call (512) 475-1932.

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part VII. Texas Commission on Law Enforcement Officer Standards and Education

Chapter 211. Administrative Decision

Substantive

Under the authority contained in Section 2(a) of Article 4413 (29aa), Texas Civil Statutes, the Texas Commission on Law Enforcement Officer Standards and Education has amended §211.80 (210.01.02.010) of this title (relating to Minimum Training Standards Required for Peace Officers and Reserve Law Enforcement Officers) to read as follows:

§211.80 (210.01.02.010). Minimum Training Standards Required for Peace Officers and Reserve Law Enforcement Officers.

(a) The requirements for peace officers shall be one of the following:

(1) the basic course, as prescribed in Specification 1 of this section;

(2) an associate or baccalaureate degree in law enforcement, containing the core curriculum;

(3) basic or recruit police training received in other states or federal law enforcement training academy, provided it meets or exceeds the minimum training standards as prescribed in Specification 1 of this section, and completion of supplemental training in a basic course of the following subjects:

- (A) Code of Criminal Procedure;
- (B) arrest, search, and seizure;
- (C) Texas Family Code;
- (D) Penal Code;
- (E) Alcoholic Beverage Act;
- (F) traffic law enforcement.

(b) The commission acting through its executive director may prescribe as a condition of certification supplementary or remedial training necessary to equate previous training with current standards.

(c) The basic course for reserve law enforcement officers shall be as prescribed in Specification 2 of this section, or fulfillment of any one of the alternatives for satisfaction of the basic course for peace officers specified in subparagraph (A) of this section.

(d) Attendance, examinations, and evaluation of trainees in the basic course for peace officers or the basic course for reserve law enforcement officers.

(1) A trainee shall attend all sessions of the training course in which he is enrolled. However, the school coordinator may approve absences, provided all instruction missed is made up and the absences do not exceed 10% of the total hours of instruction.

(2) A trainee must complete the full course during one scheduled presentation, unless the school coordinator, who has approved the trainee's absence, schedules the trainee for the make up work required.

(3) A trainee must satisfactorily complete the entire course, including all make up work, before an F-6 form (Report of Training) is submitted to the commission.

(4) To satisfactorily complete the required training course, the trainee shall be tested on each subject contained within the course as identified within Specification 1 or Specification 2 of this section depending upon which course the trainee is enrolled.

(5) All performance tests given the trainee shall be judged on a pass or fail basis. A trainee must pass all such performance tests to satisfactorily complete the course. The determination of pass or fail on any performance test lies with school coordinator.

(6) All written tests given the trainee shall be graded by the school coordinator. The method used to score the test and the determination of passing scores is the responsibility of the school coordinator. Provided, however, that a common formula or system is utilized for determining the test scores of all trainees enrolled in the same course.

Exhibit A—Specification 1. (No change.)

Exhibit B—Specification 2. (No change.)

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

Doc. No. 808896 Fred Toler
 Executive Director
 Texas Commission on Law Enforcement
 Officer Standards and Education

Effective Date: January 1, 1981

Proposal Publication Date: September 12, 1980

For further information, please call (512) 459-1171.

Under the authority contained in Section 2(a) of Article 4413 (29aa), Texas Civil Statutes, the Texas Commission on Law Enforcement Officer Standards and Education has amended §211.81 (210.01.02.011) of this title (relating to Minimum Training Standards Required for Jailers or Guards of County Jails) to read as follows:

§211.81 (210.01.02.011). *Minimum Training Standards Required for Jailers or Guards of County Jails.*

(a) The requirements for jailers or guards of county jails shall be one of the following:

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

(b) (No change.)

(c) Attendance, examinations, and evaluation of trainees in jailer or guard of county jails training courses.

(1) A trainee shall attend all sessions of the training course in which he is enrolled. However, the school coordinator may approve absences, provided all instruction missed is made up and the absences do not exceed 10% of the total hours of instruction.

(2) A trainee must complete the full course during one scheduled presentation unless the school coordinator, who has approved the trainee's absence, schedules the trainee for the make up work required.

(3) A trainee must satisfactorily complete the entire course, including all make up work, before an F 6 form (Report of Training) is submitted to the commission.

(4) To satisfactorily complete the required training course, the trainee shall be tested on each subject contained within the course as identified in subsection (d) of this section.

(5) All performance tests given the trainee shall be judged on a pass or fail basis. A trainee must pass all such performance tests to satisfactorily complete the course. The determination of pass or fail on any performance test lies with the school coordinator.

(6) All written tests given the trainee shall be graded by the school coordinator. The method used to score the test and the determination of passing scores is the responsibility of the school coordinator, provided, however, that a common formula or system is utilized for determining the test scores of all trainees enrolled in the same course.

(d) (No change.)

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

Doc. No. 808897 Fred Toler
 Executive Director
 Texas Commission on Law Enforcement
 Officer Standards and Education

Effective Date: December 12, 1980

Proposal Publication Date: September 12, 1980

For further information, please call (512) 459-1171.

NONCODIFIED

Texas Department of Human Resources

Intermediate Care Facility for Mentally Retarded

The Texas Department of Human Resources adopts the amendments, repeals, and new rules in the Intermediate Care Facility for Mentally Retarded (ICF-MR) Program, as proposed in the August 5, 1980, issue of the *Texas Register* (5 TexReg 3101). For several years, state agencies directly involved with ICF-MR facilities have been operating under federal regulations. These regulations have been the primary reference for standards that providers must meet. In order to ensure clarity and consistency, the department is adopting the federal regulations for ICF-MR.

Three comments were received on the proposed material. One objection was that the proposed adoption date did not allow for a full 30 day comment period. More than the required 30 days were allowed prior to publication of final rules. The second comment requested clarification on the need for approval by the Texas Health Facilities Commission prior to the effective date of certification. There was no change since it was reviewed and determined that further clarification was not indicated. The third comment requested that 45 Code of Federal Regulations 249.13 be updated to 42 Code of Federal Regulations 442; this cite has been changed.

Eligibility for Participation 326.35.03

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

.003. *Participation in an Intermediate Care Facility for the Mentally Retarded*

(a) The application for participation should indicate the level of participation. There are three levels of care (on separate distinct part concept) involved in the ICF-MR Program:

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

(3) ICF-MR VI. The standards for intermediate care services in facilities for mentally retarded or persons with related conditions describe the levels of care in the ICF-MR Program. The survey agency will conduct a survey to determine compliance with current standards and a survey to determine relationship with standards applicable March 18, 1977.

(b) If the facility does not meet the standards at the time of initial certification, a written plan of compliance (including how and when standards will be met) must be submitted to the Texas Department of Human Resources. If the department determines that the plan of compliance is adequate, the department will submit the plan along with a recommendation to the Department of Health, Education, and Welfare (HEW) for consideration. The effective date of

certification will depend primarily upon three factors: the findings of the survey team, approval by the Texas Health Facilities Commission, and approval of the secretary of HEW (if 42 Code of Federal Regulations 442.13 is not met).

(c) (No change.)

(d) The facility will not be permitted to care for geriatric and other patients (not classified as "mentally retarded") in the separate distinct part set aside for individuals with mental retardation.

(e) Consideration should be given to the resources for the clientele that will be served (i.e., possible program areas in the community from which residents may receive services) and the availability of any necessary emergency services.

Doc. No. 808828

Conditions for Participation 326.35.10

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

.001. Introduction.

(a) These standards were developed to comply with both the intent and requirements of Title XIX of the Social Security Act and subsequent amendments. They deal with the care, treatment, health, safety, welfare, and comfort of residents in intermediate care sections designated specifically for the mentally retarded in institutions administered and operated by the Texas State Department of Mental Health and Mental Retardation or other governing bodies.

(b) Intermediate care MR sections to which these standards apply are "active treatment" oriented care sections, distinct parts of MR institutions as defined under Rule 326.35.11.001, currently approved as ICF-MR sections by the Texas Department of Health licensing authority and approved by the Texas Department of Human Resources for vendor participation.

(c) These standards shall supersede any conflicting prior licensing laws or licensing standards.

(d) All intermediate care MR sections certified as eligible for participation under Title XIX will maintain at least these standards on a continuing basis. The Texas Department of Health, the Texas Department of Human Resources, the Department of Health, Education, and Welfare, or their duly authorized representatives, shall have the right to enter upon the premises at all times in order to make whatever inspections are deemed necessary.

(e) Representatives of the Texas Department of Health, the Texas Department of Human Resources, or the Department of Health, Education, and Welfare shall have access at all times to the premises of the participating intermediate care section and to private interviews with recipients of supplemental security income (SSI) and/or medical assistance only. Such personnel, as representatives of these departments and/or agencies, will be treated with courtesy as befits their professional status.

(f) Under some circumstances, if certain conditions are not met, the chief executive officer will be given a specific length of time to correct the deficiencies in question. Vendor payment could be suspended during such period if such ac-

tion were deemed necessary. Deficiencies affecting the health and safety of recipient-residents will be corrected immediately if the MR care section is continued in a participating status.

Doc. No. 808829

Definitions and General Criteria 326.35.11.001-.013

The repeal of Rules 326.35.11.001-.013, concerning Definitions and General Criteria, is adopted under the authority of the Human Resources Code, Title II, with the approval of the Texas Board of Human Resources.

Doc. No. 808830

326.35.11.014-.022

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

.014. Definitions. As used in these rules:

(1) Ambulatory means able to walk without assistance.

(2) Living unit means a resident living unit that includes sleeping areas and may include dining and activity areas.

(3) Mobile nonambulatory means unable to walk without assistance, but able to move from place to place with the use of a device such as a walker, crutches, a wheel chair, or a wheeled platform.

(4) Nonambulatory means unable to walk without assistance.

(5) Nonmobile means unable to move from place to place.

(6) Qualified mental retardation professional means a person who has specialized training or one year of experience in treating or working with the mentally retarded and is one of the following:

(A) a psychologist with a master's degree from an accredited program;

(B) a licensed doctor of medicine or osteopathy;

(C) an educator with a degree in education from an accredited program;

(D) a social worker with a bachelor's degree in:

(i) social work from an accredited program; or

(ii) a field other than social work and at least

three years of social work experience under the supervision of a qualified social worker;

(E) a physical or occupational therapist as defined in these rules;

(F) a speech pathologist or audiologist as defined in these rules;

(G) a registered nurse;

(H) a therapeutic recreation specialist who:

(i) is a graduate of an accredited program; and

(ii) if the state has a licensing or registration

procedure, is licensed or registered in the state;

(I) a rehabilitation counselor who is certified by the Committee on Rehabilitation Counselor Certification.

(7) Resident living means pertaining to residential services provided by an ICF-MR.

(8) Training and habilitation services means those intended to aid the intellectual, sensorimotor, and emotional development of a resident.

.015. Resident Finances.

(a) The ICF-MR must have written policies and procedures that protect the financial interests of each resident.

(b) If large sums accrue to a resident, the policies and procedures must provide for appropriate protection of these funds and for counseling the resident concerning their use.

(c) Each resident must be allowed to possess and use money in normal ways or be learning to do so.

(d) The ICF-MR must maintain a current, written financial record for each resident that includes written receipts for:

(1) all personal possessions and funds received by or deposited with the ICF-MR; and

(2) all disbursements made to or for the resident.

(e) The financial record must be available to the resident and his family.

.016. Qualified Mental Retardation Professional. The ICF-MR must have a qualified mental retardation professional who is responsible for:

(1) supervising the delivery of each resident's individual plan of care;

(2) supervising the delivery of training and habilitation services;

(3) integrating the various aspects of the ICF-MR's program;

(4) recording each resident's progress; and

(5) initiating a periodic review of each individual plan of care for necessary changes.

.017. Dental Staff.

(a) The ICF-MR must have enough qualified dental personnel and support staff to carry out the dental services program.

(b) Each dentist and dental hygienist providing services to the facility must be licensed to practice in the state.

.018. Dietary Staff.

(a) The ICF-MR must have enough competent personnel to meet the food and nutrition needs of residents.

(b) A dietitian who directs food and nutrition services in ICF-MRs of 20 beds or more must meet the qualification requirements in these rules.

(c) The ICF-MR must designate a staff member who is trained or experienced in food management or nutrition to direct food and nutrition services in an ICF-MR with less than 20 beds.

.019. Required Services. The ICF-MR must:

(1) provide psychological services through personal contact between psychologists and residents and through contact between psychologists and individuals involved with the residents; and

(2) have available enough qualified staff and support personnel to furnish the following psychological services based on need:

(A) psychological services for residents, including evaluation, consultation, therapy, and program development;

(B) administration and supervision of psychological services;

(C) staff training.

.020. Psychologist. Psychologists must:

(1) have at least a master's degree from an accredited program and experience or training in the field of mental retardation;

(2) participate, when appropriate, in the continuing interdisciplinary evaluation of each individual resident, for the purposes of beginning, monitoring, and following up on the resident's individualized habilitation program;

(3) report and disseminate evaluation results in a manner that:

(A) promptly provides information useful to staff working directly with the resident; and

(B) maintains accepted standards of confidentiality;

(4) participate, when appropriate, in the development of written, detailed, specific, and individualized habilitation program plans that:

(A) provide for periodic review, follow-up, and updating; and

(B) are designed to maximize each resident's development and acquisition of the following: perceptual skills, sensorimotor skills, self-help skills, communication skills, social skills, self-direction, emotional stability, and effective use of time, including leisure time.

.021. Recreation Staff.

(a) The ICF-MR must have enough qualified staff and support personnel available to carry out the various recreation services in accordance with stated goals and objectives.

(b) Staff conducting the recreation program must have:

(1) a bachelor's degree in recreation or in a speciality area such as art, music, or physical education;

(2) an associate degree in recreation and one year of experience in recreation;

(3) a high school diploma, or an equivalency certificate and:

(i) two years of experience in recreation; or

(ii) one year of experience in recreation plus completion of comprehensive in-service training in recreation; or

(4) demonstrated proficiency and experience in conducting activities in one or more recreation program areas.

.022. Social Workers.

(a) During the evaluation process to determine whether or not admission to the ICF-MR is necessary, social workers must help the resident and his family:

(1) consider alternative services, based on the retarded individual's status and important family and community factors; and

(2) make a responsible choice as to whether and when residential placement is indicated.

(b) Social workers must participate, when appropriate, in the continuing interdisciplinary evaluation of individual residents for the purposes of beginning, monitoring, and following up on individualized habilitation programs.

(c) During the retarded individual's admission to and residence in the facility, or while he or she is receiving services from the facility, social workers must, as appropriate, provide liaison between him or her, the ICF-MR, the family, and the community, in order to:

(1) help the staff;

(A) individualize and understand the needs of the resident and his family in relation to each other;

(B) understand social factors in the resident's day to day behavior, including staff-resident relationships; and
 (C) prepare the resident for changes in his living situation;

(2) help the family develop constructive and personally meaningful ways to support the resident's experience in the ICF MR through:

(A) counseling concerning the problems of changes in family structure and functioning; and

(B) referral to specific services, as appropriate;

(3) help the family participate in planning for the resident's return to home or other community placement.

(d) After the resident leaves the ICF MR, social workers must provide systematic follow-up to ensure referral to appropriate community agencies.

(e) The ICF MR must have available enough qualified staff and support personnel to carry out the various social services activities.

(f) Social workers providing service to the ICF-MR must meet the qualification requirements in these rules.

(g) Social work assistants or aides employed by the ICF MR must be supervised by a social worker.

Doc. No. 808831

Eligibility for Participation 326.35.12

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

.001. Criteria. An intermediate care MR section may be certified as eligible for participation and obtain state and federal reimbursement for services rendered on behalf of certain recipients of SSI or medical assistance only provided that:

(1) It is currently approved and certified by the Texas Department of Health following a written application to the Department of Human Resources.

(2) The Texas Department of Health has certified to the single state agency that the ICF MR section has met and continues to meet the conditions for participation as an intermediate care MR facility.

(3) The facility either meets the conditions of 42 Code of Federal Regulations 442, or has a plan of compliance approved by the Department of Human Resources and the Department of Health, Education, and Welfare.

(4) A current valid contract for participation has been issued by the Department of Human Resources to the facility.

.002. Negative Sanctions.

(a) The Department of Human Resources reserves the right to reject any request for participation or to terminate a participating status for resident-recipient neglect, abuse, conditions affecting health and safety, charges above the allowable rate or any other practices deemed to be not in the best interest of the resident-recipient.

(b) The federal and state statutes do not grant the right of appeal nor do they set up an appeal procedure for a provider of services that is aggrieved by the department's suspending or cancelling the institution's participation in intermediate care MR. However, by rule and regulation, the

department provides a fair hearing for such an aggrieved provider of services. The request for a hearing must be submitted to the Texas Department of Human Resources with a hearing being held in Austin, Texas.

Doc. No. 808832

Admissions Policies 326.35.13.001-.005

The repeal of Rules 326.35.13.001-.005, concerning Admissions Policies, is adopted under the authority of the Human Resources Code, Title II, with the approval of the Texas Board of Human Resources.

Doc. No. 808833

326.35.13.006-.011

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

.006. Residents' Civil Rights. The ICF-MR must have written policies and procedures that insure the civil rights of all residents.

.007. Residents' Bill of Rights. The ICF-MR must have written policies and procedures that ensure the following rights for each resident:

(1) Information.

(A) Each resident must be fully informed, before or at admission, of his rights and responsibilities and of all rules governing resident conduct.

(B) If the ICF-MR amends its policies on residents' rights and responsibilities and its rules governing conduct, each resident in the ICF MR at that time must be informed.

(C) Each resident must acknowledge in writing receipt of the information and any amendments to it. A mentally retarded resident's written acknowledgement must be witnessed by a third person.

(D) Each resident must be fully informed in writing of all services available in the ICF-MR and of the charges for these services including any charges for services not paid for by Medicaid or not included in the ICF-MR's basic rate per day. The ICF MR must provide this information either before or at the time of admission and on a continuing basis as changes occur in services or charges during the resident's stay.

(2) Medical condition and treatment.

(A) Each resident must:

(i) be fully informed by a physician of his or her health and medical condition unless the physician decides that informing the resident is medically contraindicated;

(ii) be given the opportunity to participate in planning his or her total care and medical treatment;

(iii) be given the opportunity to refuse treatment; and

(iv) give informed, written consent before participating in experimental research.

(B) If the physician decides that informing the resident of his or her health and medical condition is medically contraindicated, he must document this decision in the resident's record.

(3) Transfer and discharge. Each resident must be transferred or discharged only for:

- (A) medical reasons;
- (B) his or her welfare or that of the other residents;

or

(C) nonpayment except as prohibited by the Medicaid Program.

(4) Exercising rights. Each resident must be:

(A) encouraged and assisted to exercise his or her rights as a resident of the ICF-MR and as a citizen; and

(B) allowed to submit complaints or recommendations concerning the policies and services of the ICF-MR to staff or to outside representatives of the resident's choice or both, free from restraint, interference, coercion, discrimination, or reprisal.

(5) Financial affairs. Each resident must be allowed to manage his or her personal financial affairs. If a resident requests assistance from the ICF-MR in managing his or her personal financial affairs:

(A) the request must be in writing; and

(B) the ICF-MR must comply with the record keeping requirements in these rules.

(6) Freedom from abuse and restraints.

(A) Each resident must be free from mental and physical abuse.

(B) Each resident must be free from chemical and physical restraints unless the restraints are:

(i) authorized by a physician in writing for a specified period of time;

(ii) used in an emergency under the following conditions: the use is necessary to protect the resident from injuring him or herself or others; the use is authorized by a professional staff member identified in the written policies and procedures of the facility as having authority to do so; the use is reported promptly to the resident's physician by that staff member;

(iii) used during a behavior modification session for a mentally retarded resident under the following conditions: the use is authorized in writing by a physician or a qualified mental retardation professional, the parent or legal guardian of the mentally retarded resident gives informed consent to the use of restraints or aversive stimuli.

(7) Privacy.

(A) Each resident must be treated with consideration, respect, and full recognition of his or her dignity and individuality.

(B) Each resident must be given privacy during treatment and care of personal needs.

(C) Each resident's records, including information in an automatic data bank, must be treated confidentially.

(D) Each resident must give written consent before the ICF-MR may release information from his or her record to someone not otherwise authorized by law to receive it.

(E) A married resident must be given privacy during visits by his or her spouse.

(F) If both husband and wife are residents of the ICF-MR, they must be permitted to share a room.

(8) Work. No resident may be required to perform services for the ICF-MR.

(9) Freedom of association and correspondence. Each resident must be allowed to:

(A) communicate, associate, and meet privately with individuals of his or her choice, unless this infringes on the rights of another resident; and

(B) send and receive personal mail unopened.

(10) Activities. Each resident must be allowed to participate in social, religious, and community group activities unless a qualified mental retardation professional:

(A) determines that these activities are contraindicated for a mentally retarded resident; and

(B) documents that determination in the resident's record.

(11) Personal possessions. Each resident must be allowed to retain and use his or her personal possessions and clothing as space permits.

.008. *Delegation of Rights and Responsibilities.*

(a) The ICF-MR must have written policies and procedures that provide that all rights and responsibilities of a resident pass to the resident's guardian, next of kin, or sponsoring agency or agencies if the resident:

(1) is adjudicated incompetent under state law; or

(2) is determined by a qualified mental retardation professional to be incapable of understanding his or her rights and responsibilities.

(b) If the resident is determined to be incapable of understanding his or her rights and responsibilities, the qualified mental retardation professional who made the determination must record the specific reason in the resident's record.

.009. *Admission Criteria and Evaluations.*

(a) Except as provided in subsection (c) of this rule, an ICF-MR may not admit an individual as a resident unless his or her needs can be met and an interdisciplinary professional team has determined that admission is the best available plan for that individual.

(b) The team must

(1) conduct a comprehensive evaluation of the individual covering physical, emotional, social, and cognitive factors; and

(2) before the individual's admission

(A) define his or her need for service without regard to the availability of those services, and

(B) review all available and applicable programs of care, treatment, and training and record its findings.

(c) If admission is not the best plan but the individual must be admitted nevertheless, the ICF-MR must

(1) clearly acknowledge that the admission is inappropriate, and

(2) initiate plans to actively explore alternatives.

.010. *Availability of Rules and Procedures.* The facility must make available for distribution a summary of the laws, regulations, and procedures concerning admission, readmission, and release of a resident.

.011. *Number of Residents.* The ICF-MR must admit only that number of individuals that does not exceed

(1) its rated capacity, and

(2) its capability to provide adequate programming.

Doc. No. 808834

Administrative Management 326.35.14.001, .002

The repeal of Rules 326.35.14.001 and .002, concerning Administrative Management, is adopted under the authority of the Human Resources Code, Title II, with the approval of the Texas Board of Human Resources.

Doc. No. 808835

326.35.14.003

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

.003. Administrative Management. The facility maintains methods of administrative management which ensure that:

(1) There is an orientation program for all new employees and consultant personnel that includes review of all facility policies and procedures with a basic introduction to active treatment programs for MR residents and persons of related conditions regarding concepts of such treatment. An in-service education program is planned and conducted for the development and improvement of skills of all the facility's personnel. Records are maintained which indicate the content of and participation in all such orientation and staff development programs.

(2) The facility is in conformity with federal, state and local laws, codes, and regulations pertaining to health and safety, including procurement, dispensing, administration, safeguarding, and disposal of medications and controlled substances; building, constructions, maintenance, and equipment standards; sanitation; communicable and reportable diseases, and post mortem procedure.

Doc. No 808836

326.35.14.005-.015

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

.005. Philosophy, Objectives, and Goals.

(a) The ICF-MR must have a written outline of the philosophy, objectives, and goals it is striving to achieve that includes, at least:

(1) the ICF-MR's role in the state comprehensive program for the mentally retarded;

(2) the ICF-MR's goals for its residents; and

(3) the ICF-MR's concept of its relationship to the parents or legal guardians of its residents.

(b) The outline must be available for distribution to staff, consumer representatives, and the interested public.

.006. Policy and Procedure Manuals. The ICF-MR must have manuals that

(1) describe the policies and procedures in the major operating units of the ICF-MR;

(2) are current, relevant, and available; and

(3) are complied with the units.

.007. Management Audit Plan. The ICF-MR must have a plan for a continuing management audit to ensure that the ICF-MR:

(1) complies with state laws and regulations; and

(2) effectively implements its policies and procedures.

.008. Governing Body.

(a) The ICF-MR must have a governing body that:

(1) exercises general direction over the affairs of the ICF-MR;

(2) establishes policies concerning the operation of the ICF-MR and the welfare of the individuals it serves;

(3) establishes qualifications for the chief executive officer in the following areas:

(A) education;

(B) experience;

(C) personal factors;

(D) skills;

(4) appoints the chief executive officer.

(b) The governing body may consist of one individual or a group.

.009. Chief Executive Officer.

(a) The chief executive officer must:

(1) act for the governing body in the overall management of the ICF-MR; and

(2) arrange for one individual to be responsible for the administrative direction of the ICF-MR at all times.

(b) The chief executive officer must be an individual licensed in the state as a nursing home administrator or a qualified mental retardation professional except:

(1) if the ICF-MR is licensed as a nursing home, the chief executive officer must be an individual licensed in the state as a nursing home administrator;

(2) if the ICF-MR is a hospital qualifying as an institution for the mentally retarded or persons with related conditions, the chief executive officer must be a hospital administrator.

(c) Job titles for the chief executive officer may include any of the following: superintendent, director, and administrator.

.010. Organization Chart. The ICF-MR must have an organization chart that shows:

(1) the major operating programs of the ICF-MR;

(2) the staff divisions of the ICF-MR;

(3) the administrative personnel in charge of the programs and division; and

(4) the lines of authority, responsibility, and communication for administrative personnel.

.011. Staff-Resident Communications. The ICF-MR must provide for effective staff and resident participation and communication in the following manners:

(1) The ICF-MR must establish appropriate standing committees such as human rights, research review, and infection.

(2) The committees must meet regularly and include direct-care staff whenever appropriate.

(3) Reports of staff meetings and standing ad hoc committee meetings must include recommendations and their implementation, and be filed.

.012. Communication with Residents and Parents.

(a) The ICF-MR must have an active program of communication with the residents and their families, that includes:

(1) keeping residents' families or legal guardians informed of resident activities that may be of interest to them or of significant changes in the resident's condition;

(2) answering communications from residents' relatives promptly and appropriately;

(3) allowing close relatives and guardians to visit at any reasonable hour, without prior notice, unless the resident's needs limit visits;

(4) allowing parents to visit any part of the ICF-MR that provides services to residents;

(5) encouraging frequent and informal visits home by the residents; and

(6) having rules that make it easy to arrange visits home.

(b) The ICF-MR must ensure that individuals allowed to visit the ICF-MR under subsection (a)(3) of this rule do not infringe on the privacy and rights of the other residents.

.013. Research Statement. If the ICF-MR conducts research, it must comply with the statement of assurance on research involving human subjects required by federal regulations.

.014. Support Services.

(a) The ICF-MR must provide adequate, modern administrative support to efficiently meet the needs of residents and facilitate attainment of the ICF-MR's goals and objectives.

(b) The ICF-MR must:

- (1) document its purchasing process;
- (2) adequately operate its inventory control system and stockroom;
- (3) have appropriate storage facilities for all supplies and surplus equipment; and
- (4) have enough trained and experienced personnel to do purchase, supply, and property control functions.

.015. Communication System. The ICF-MR must have an adequate communication system, including telephone service, that ensures:

- (1) prompt contact of on-duty personnel; and
- (2) prompt notification of responsible personnel in an emergency.

Doc. No. 808837

Professional Consultants 326.35.15.001-.006

The repeal of Rules 326.35.15.001-.006, concerning Professional Consultants, is adopted under the authority of the Human Resources Code, Title II, with the approval of the Texas Board of Human Resources.

Doc. No. 808838

326.35.15.007

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

.007. Agreements with Outside Resources.

(a) If the ICF-MR does not employ a qualified professional to furnish a required institutional service, it must have in effect a written agreement with a qualified professional outside the ICF-MR to furnish the required service.

(b) The agreement must:

- (1) contain the responsibilities, functions, objectives, and other terms agreed to by the ICF-MR and the qualified professional; and
- (2) be signed by the administrator or his representative and by the qualified professional.

Doc. No. 808839

Personnel Policies 326.35.16.001-.004

The repeal of Rules 326.35.16.001-.004, concerning Personnel Policies, is adopted under the authority of the Human Resources Code, Title II, with the approval of the Texas Board of Human Resources.

Doc. No. 808840

326.35.16.005-.012

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

.005. Written Policies. The ICF-MR must:

- (1) have written personnel policies that are available to all employees;
- (2) make written job descriptions available for all positions; and
- (3) have written policies that prohibit employees with symptoms or signs of a communicable disease from working.

.006. Licensure and Professional Standards. The ICF-MR must:

- (1) require the same licensure, certification, or standards for positions in the facility as are required for comparable positions in community practice; and
- (2) take into account in its personnel activities the ethical standards of professional conduct developed by professional societies.

.007. Suspension and Dismissal. The ICF-MR must have an authorized procedure, consistent with due process, for suspending or dismissing an employee.

.008. Staff Treatment of Residents

(a) The ICF-MR must have written policies that prohibit mistreatment, neglect, or abuse of a resident by an employee of the ICF-MR.

(b) The ICF-MR must ensure that all alleged violations of these policies are reported immediately.

(c) The ICF-MR must have evidence that:

- (1) all violations are investigated thoroughly;
- (2) the results of the investigation are reported to the chief executive or his designated representative within 24 hours of the report of the incident; and
- (3) if the alleged violation is verified, the chief executive officer imposes an appropriate penalty.

.009. Sufficient Staffing and Resident Work.

(a) The ICF-MR must have a staff of sufficient size that the ICF-MR does not depend on residents or volunteers for services.

(b) The ICF-MR must have a written policy to protect residents from exploitation if they engage in productive work.

.010. Staff Training Program.

(a) The ICF-MR must have a staff training program, appropriate to the size and nature of the ICF-MR, that includes:

- (1) orientation for each new employee to acquaint him with the philosophy, organization, program, practices, and goals of the ICF-MR;

(2) in-service training for any employee who has not achieved the desired level of competence;

(3) continuing in-service training for all employees to update and improve their skills, and

(4) supervisory and management training for each employee who is in, or a candidate for, a supervisory position.

(b) If appropriate to the size and nature of the ICF-MR, it must have someone designated to be responsible for staff development and training.

.011. Responsibilities of Living Unit Staff:

(a) The living unit staff must make care and development of the residents their primary responsibility. This includes training each resident in the activities of daily living and in the development of self-help and social skills.

(b) The ICF-MR must ensure that the staff are not diverted from their primary responsibilities by excessive housekeeping or clerical duties or other activities not related to resident care.

(c) Members of the living unit staff from all shifts must participate in appropriate activities relating to the care and development of the resident including, at least, referral, planning, initiation, coordination, implementation, follow-through, monitoring, and evaluation.

.012. Staff: The ICF-MR must have enough qualified training and habilitation personnel and support staff, supervised by a qualified mental retardation professional, to carry out the training and habilitation program.

Doc. No. 808841

Health Care Services 326.35.17.001-.003

The repeal of Rules 326.35.17.001-.003, concerning Health Care Services, is adopted under the authority of the Human Resources Code, Title II, with the approval of the Texas Board of Human Resources.

Doc. No. 808842

326.35.17.004-.013

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

.004. Diagnostic Services.

(a) The ICF-MR must provide each resident with comprehensive diagnostic dental services that include a complete extra-oral and intra-oral examination, using all diagnostic aids necessary to properly evaluate the resident's oral condition, not later than one month after a resident's admission to the ICF-MR unless he received the examination within six months before admission.

(b) The ICF-MR must review the results of the examination and enter them in the resident's record.

.005. Treatment. The ICF-MR must provide each resident with comprehensive dental treatment that includes:

(1) provision for emergency dental treatment on a 24-hour-a-day basis by a qualified dentist; and

(2) a system that ensures that each resident is re-examined as needed but at least once a year.

.006. Education and Training. The ICF-MR must provide education and training in the maintenance of oral health that includes:

(1) a dental hygiene program that informs residents and all staff on nutrition and diet control measures and residents and living unit staff on proper oral hygiene methods; and

(2) instruction of parents or guardians in the maintenance of proper oral hygiene in appropriate instances, for example when a resident leaves the ICF-MR.

.007. Formal Arrangements. The ICF-MR must have a formal arrangement for providing each resident with the dental services required under this subcategory.

.008. Required Medical Services. The ICF-MR must:

(1) provide medical services through direct contact between physicians and residents and through contact between physicians and individuals working with the residents;

(2) provide health services including treatment, medications, diet, and any other health service prescribed or planned for the resident, 24 hours a day;

(3) have available electroencephalographic services as needed;

(4) have enough space, facilities, and equipment to fulfill the medical needs of residents; and

(5) provide evidence, such as utilization review committee records, that hospital and laboratory services are used in accordance with professional standards.

.009. Preventive Health Services. The ICF-MR must have preventive health services for residents that include:

(1) means for the prompt detection and referral of health problems, through adequate medical surveillance, periodic inspection, and regular medical examinations;

(2) annual physical examinations that include:

(A) examination of vision and hearing; and

(B) routine screening laboratory examinations as determined necessary by the physician, and special studies when needed;

(3) immunizations, using as a guide the recommendations of the Public Health Service Advisory Committee on Immunization Practices and of the Committee on the Control of Infectious Diseases of the American Academy of Pediatrics;

(4) tuberculosis control, appropriate to the ICF-MR's population, in accordance with the recommendations of the American College of Chest Physicians or the section on diseases of the chest of the American Academy of Pediatrics or both; and

(5) reporting of communicable diseases and infections in accordance with law.

.010. Required Nursing Services. The ICF-MR must provide residents with nursing services, in accordance with their needs, that include, as appropriate, the following:

(1) Registered nurse participation in:

(A) the preadmission evaluation study and plan;

(B) the evaluation study, program design, and placement of the resident at the time of admission;

(C) the periodic re-evaluation of the type, extent, and quality of services and programming;

(D) the development of the discharge plan; and

(E) the referral to appropriate community resources.

(2) Training in habits of personal hygiene, family life, and sex education that includes but is not limited to family planning and venereal disease counseling.

(3) Control of communicable diseases and infections through:

- (A) identification and assessment;
- (B) reporting to medical authorities;
- (C) implementation of appropriate protective and preventive measures;

(D) development of a written nursing services plan for each resident as part of the total habilitation program;

(E) modification of the nursing plan, in terms of the resident's daily needs, at least annually for adults and more frequently for children, in accordance with developmental changes.

.011. Training.

(a) A registered nurse must participate, as appropriate, in the planning and implementation of training of the ICF-MR's personnel.

(b) The ICF-MR must have direct-care personnel trained in:

- (1) detecting signs of illness or dysfunction that warrant medical or nursing intervention;
- (2) basic skills required to meet the health needs and problems of the residents; and
- (3) first aid for accident or illness.

.012. Staff.

(a) The ICF-MR must have available enough nursing staff, which may include currently licensed practical nurses and other supporting personnel, to carry out the various nursing services.

(b) The individual responsible for the delivery of nursing services must have knowledge and experience in the field of developmental disabilities.

(c) Nursing service personnel at all levels of experience and competence must be:

- (1) assigned responsibilities in accordance with their qualification;
- (2) delegated authority commensurate with their responsibility; and
- (3) provided appropriate professional nursing supervision.

.013. Supervision of Health Services.

(a) The ICF-MR must have a registered nurse or licensed practical or vocational nurse to supervise the health services full time, seven days a week, on the day shift.

(b) The nurse must have a current license to practice in the state.

(c) If the ICF-MR employs a licensed practical or vocational nurse to supervise health services, it must have a formal arrangement with a registered nurse to consult with the licensed practical or vocational nurse at regular intervals, but not less than four hours each week.

(d) To be qualified to serve as a health services supervisor, a licensed practical nurse must:

- (1) be a graduate of a state-approved school of practical nursing;
- (2) have education or other training that the state authority responsible for licensing practical nurses considers equal to graduation from a state-approved school of practical nursing; or
- (3) have passed the Public Health Service examination for waived licensed practical or vocational nurses.

(e) The ICF-MR may employ as a nurse an individual who is licensed by the state in a category other than registered nurse or licensed practical or vocational nurse if:

(1) the individual has completed a training program to get the license that included at least the same number of classroom and practice hours in all nursing subjects as in the program of state-approved school of practical or vocational nursing; and

(2) the state agency responsible for licensing the individual submits a report to the Medicaid agency comparing state LPN or vocational nurse course requirements with those for the program completed by the individual.

(f) The ICF-MR must have responsible staff members on duty and awake 24 hours a day to take prompt, appropriate action in case of injury, illness, fire, or other emergency.

(g) An ICF-MR that has 15 beds or less, and only admits residents certified by a physician as not in need of professional nursing services, may meet the requirements of subsections (a)-(f) of this rule by:

(1) contracting for the services of a public health nurse or other registered nurse to care for minor illnesses, injuries, or emergencies, and to consult on the health aspects of the individual plan of care; and

(2) having a responsible staff member on duty 24 hours a day who is immediately accessible to the residents to take reports of injuries, symptoms of illness, and emergencies.

(h) The health services supervisor is responsible for developing, supervising the implementation of, reviewing, and revising a written health care plan for each resident that is:

- (1) developed and implemented according to the instructions of the attending or staff physician; and
- (2) reviewed and revised as needed but not less often than quarterly.

Doc. No. 808843

Active Treatment Services 326.35.18.001-.004

The repeal of Rules 326.35.18.001-.004, concerning Active Treatment Services, is adopted under the authority of the Human Resources Code, Title II, with the approval of the Texas Board of Human Resources.

Doc. No. 808844

326.35.18.005-.014

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

.005. Emergencies or Death of a Resident.

(a) The ICF-MR must notify promptly the resident's next of kin or guardian of any unusual occurrence concerning the resident, including serious illness, accident, or death.

(b) If any autopsy is performed after a resident's death:

- (1) a qualified physician who has no conflict of interest or loyalty to the ICF-MR must perform the autopsy; and

(2) the resident's family must be told of the autopsy findings if they so desire.

.006. Resident Activities.

(a) The ICF-MR must develop an activity schedule for each resident that:

- (1) does not allow periods of unscheduled activity to extend longer than three continuous hours;
- (2) allows free time for individual or group activities using appropriate materials, as specified by the program team; and
- (3) includes planned outdoor periods all year round.

(b) Each resident's activity schedule must be available to direct care staff and be carried out daily.

(c) The ICF-MR must ensure that a multiple-handicapped or nonambulatory resident:

- (1) spends a major portion of the waking day out of bed;
- (2) spends a portion of the waking day out of his bedroom area;
- (3) has planned daily activity and exercise periods; and
- (4) moves around by various methods and devices whenever possible.

.007. Personal Possessions. The ICF-MR must allow the residents to have personal possessions such as toys, books, pictures, games, radios, arts and crafts materials, religious articles, toiletries, jewelry, and letters.

.008. Control and Discipline of Residents.

(a) The ICF-MR must have written policies and procedures for the control and discipline of residents that are available in each living unit and to parents and guardians.

(b) If appropriate, residents must participate in formulating these policies and procedures.

(c) The ICF-MR may not allow:

- (1) corporal punishment of a resident;
- (2) a resident to discipline another resident, unless it is done as part of an organized self-government program conducted in accordance with written policy; or
- (3) a resident to be placed alone in a locked room.

.009. Physical Restraint of Residents.

(a) Except as provided for behavior modification programs in these rules, the ICF-MR may allow the use of physical restraint on a resident only if absolutely necessary to protect the resident from injuring himself or others.

(b) The ICF-MR may not use physical restraint:

- (1) as punishment;
- (2) for the convenience of the staff; or
- (3) as a substitute for activities or treatment.

(c) The ICF-MR must have written policy that specifies:

- (1) how and when physical restraint may be used;
- (2) the staff members who must authorize its use;

and

- (3) the method for monitoring and controlling its use.

(d) An order for physical restraint may not be in effect longer than 12 hours.

(e) Appropriately trained staff must check a resident placed in a physical restraint at least every 30 minutes and keep a record of these checks.

(f) A resident who is in a physical restraint must be given an opportunity for motion and exercise for a period of not less than 10 minutes during each two hours of restraint.

.010. Mechanical Devices Used for Physical Restraint.

(a) Mechanical devices used for physical restraint must be designed and used in a way that causes the resident no physical injury and the least possible physical discomfort.

(b) A totally enclosed crib or barred enclosure is a physical restraint.

(c) Mechanical supports used to achieve proper body position and balance are not physical restraints. However, mechanical supports must be designed and applied:

- (1) under the supervision of a qualified professional; and
- (2) in accordance with principles of good body alignment, concern for circulation, and allowance for change of position.

.011. Chemical Restraint of Residents. The ICF-MR may not use chemical restraint:

- (1) excessively;
- (2) as punishment;
- (3) for the convenience of the staff;
- (4) as a substitute for activities or treatment; or
- (5) in quantities that interfere with a resident's habilitation program.

.012. Behavior Modification Programs.

(a) The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

Aversive stimuli—Things or events that the resident finds unpleasant or painful that are used to immediately discourage undesired behavior.

Time out—A procedure designed to improve a resident's behavior by removing positive reinforcement when his behavior is undesirable.

(b) Behavior modification programs involving the use of aversive stimuli or time out devices must be:

- (1) reviewed and approved by the ICF-MR's human rights committee or the qualified mental retardation professional;
- (2) conducted only with the consent of the affected resident's parents or legal guardian; and
- (3) described in written plans that are kept on file in the ICF-MR.

(c) A physical restraint used as a time-out device may be applied only during behavior modification exercises and only in the presence of the trainer.

(d) For time out purposes, time-out devices and aversive stimuli may not be used for longer than one hour, and then only during the behavior modification program and only under the supervision of the trainer.

.013. Required Services

(a) The ICF-MR must provide training and habilitation services to all residents, regardless of age, degree of retardation, or accompanying disabilities or handicaps.

(b) Individual evaluations of residents must:

(1) be based upon the use of empirically reliable and valid instruments, whenever these instruments are available; and

(2) provide the basis for prescribing an appropriate program of training experiences for the resident.

(c) The ICF-MR must have written training and habilitation objectives for each resident that are:

- (1) based upon complete and relevant diagnostic and prognostic data; and

(2) stated in specific behavioral terms that permit the progress of each resident to be assessed.

(d) The ICF-MR must provide evidence of services designed to meet the training and habilitation objectives for each resident.

(e) The training and habilitation staff must:

(1) maintain a functional training and habilitation record for each resident; and

(2) provide training and habilitation services to residents with hearing, vision, perceptual, or motor impairments.

.014. Goals and Evaluations.

(a) Physicians must participate, when appropriate, in:

(1) the continuing interdisciplinary evaluation of individual residents for the purposes of beginning, monitoring, and following up on individualized habilitation programs; and

(2) the development for each resident of a detailed, written statement of:

(A) case management goals for physical and mental health, education, and functional and social competence; and

(B) a management plan detailing the various habilitation of rehabilitation services to achieve those goals, with clear designation of responsibility for implementation.

(b) The ICF-MR must review and update the statement of treatment goals and management plans as needed, but at least annually, to ensure:

(1) continuing appropriateness of the goals;

(2) consistency of management methods with the goals; and

(3) the achievement of progress toward the goals.

Doc. No. 808845

Utilization Review and Re-Evaluation

326.35.19.001, .002, .004, .006, .007

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

.001. *Utilization Review Plan*. The facility will have a written policy outlining the plan of utilization review for the facility which meets 42 Code of Federal Regulations 456.370 (A) and (B).

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

(3) The long-term care unit staff will perform the admission review and assign the initial date for continued stay review.

.002. *Facility Evaluation*. The Texas Department of Health will provide for ongoing processes of evaluation to determine the need for care and services in intermediate care MR sections. This evaluation will be made on eligible Medicaid recipients from information supplied by a qualified physician and other members of the interdisciplinary team, when possible, including psychologicals prior to admission to the ICF-MR facility.

.004. *Role of LTCU*. The long term care unit of the Texas Department of Health will be responsible for independent medical review evaluation procedures under Title XIX for

participating intermediate care MR section. Personnel of the long term care unit review team will include at least one team member who has had sufficient knowledge and training regarding active treatment for individuals who are mentally retarded or persons with related conditions.

.006. *Review Teams*. Initial and periodic medical evaluations will be performed by the ICF-MR inspection of care teams from the long term care units of the Texas Department of Health. At least one team member will be a qualified mental retardation professional. The periodic evaluation will be done on each resident at least once every 180 days with one periodic review as an on site visit to each resident at least annually.

.007. *Method and Purpose*. Medical review will be in the context of the medical and social need for the level of care and services supplied by the intermediate care MR section to eligible Medicaid recipients and/or the adequacy of such care and services to meet the current health needs and promotion of maximum physical well being of such defined individuals. Due consideration will be given to the written medical and social plan of treatment and rehabilitation and the availability, feasibility, and desirability of alternate plans of care.

Doc. No. 808846

326.35.19.008-.011

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

.008. *Review of Preadmission Evaluation*. Within one month after admission, the interdisciplinary professional team must:

(1) review and update the preadmission evaluation with the participation of direct care personnel;

(2) develop, with the participation of direct care personnel, a prognosis that can be used for programming and placement;

(3) record the results of the evaluation in the resident's record kept in the living unit; and

(4) write an interpretation of the evaluation in terms of specific actions to be taken for:

(A) the direct care personnel and the special services staff responsible for carrying out the resident's program; and

(B) the resident's parents or legal guardian.

.009. *Annual Review of Resident's Status*

(a) All relevant personnel of the ICF-MR, including personnel in the living unit, must jointly review the status of each resident at least once a year and produce program recommendations.

(b) This review must include consideration of the following:

(1) the advisability of continued residence and alternative programs;

(2) when the resident legally becomes an adult:

(A) the need for guardianship; and

(B) how the resident may exercise his civil and legal rights.

.010. Resident Evaluation and Program Plans. The ICF-MR must have specific evaluation and program plans for each resident that are:

- (1) available to direct-care staff in each living unit; and
- (2) reviewed by a member or members of an interdisciplinary professional team at least monthly with documentation of the review entered in the resident's record.

.011. Planning and Evaluation. Interdisciplinary teams consisting of individuals representative of the professions of service areas included in this subcategory that are relevant in each particular case, must:

- (1) evaluate each resident's needs;
- (2) plan an individualized habilitation program to meet each resident's identified needs; and
- (3) periodically review each resident's responses to his or her program and revise the program accordingly.

Doc. No. 808847

Pharmacy Services 326.35.20.001-.006

The repeal of Rules 326.35.20.001-.006, concerning Pharmacy Services, is adopted under the authority of the Human Resources Code, Title II, with the approval of the Texas Board of Human Resources.

Doc. No. 808848

326.35.20.007-.010

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

.007. Required Services. The ICF-MR must:

- (1) make formal arrangements for qualified pharmacy services, including provision for emergency service;
- (2) have a current pharmacy manual that
 - (A) includes policies and procedures and defines the functions and responsibilities relating to pharmacy services, and
 - (B) is revised annually to keep abreast of current developments in services and management techniques;
- (3) have a formulary system approved by a responsible physician and pharmacist and other appropriate staff. Copies of the ICF-MR's formulary system and of the American Hospital Formulary Service must be located and available in the facility.

.008. Pharmacist

- (a) Pharmacy services must be provided under the direction of a qualified licensed pharmacist.
- (b) The pharmacist must
 - (1) when a resident is admitted, obtain, if possible, a history of prescription and nonprescription drugs used and enter this information in the resident's record;
 - (2) receive the original or a direct copy of the physician's drug treatment order;
 - (3) maintain for each resident an individual record of all prescription and nonprescription medications dispensed, including quantities and frequency of refills;
 - (4) participate, as appropriate, in the continuing interdisciplinary evaluation of individual residents for the pur-

poses of beginning, monitoring, and following up on individualized habilitation programs; and

(5) establish quality specifications for drug purchases and ensure that they are met.

(c) A pharmacist or registered nurse must regularly review the medication record of each resident for potential adverse reactions, allergies, interactions, contraindications, rationality, and laboratory test modifications, and advise the physician of any recommended changes with reasons and with an alternate drug regimen.

(d) As appropriate to the ICF-MR, the responsible pharmacist, physician, nurse, and other professional staff must write policies and procedures that govern the safe administration and handling of all drugs. The following policies and procedures must be included:

(1) There must be a written policy governing the self administration of drugs, whether prescribed or not.

(2) The pharmacist or an individual under his supervision must compound, package, label, and dispense drugs including samples and investigational drugs. Proper controls and records must be kept of these processes.

(3) Each drug must be identified up to the point of administration.

(4) Whenever possible, the pharmacist must dispense drugs that require dosage measurements in a form ready to be administered to the resident.

.009. Drugs and Medications.

(a) A medication must be used only by the resident for whom it is issued. Only appropriately trained staff may administer drugs.

(b) Any drug that is discontinued or outdated and any container with a worn, illegible, or missing label must be returned to the pharmacy for proper disposition.

(c) The ICF-MR must have

- (1) an automatic stop order on all drugs;
- (2) a drug recall procedure that can be readily used;
- (3) a procedure for reporting adverse drug reactions to the Food and Drug Administration; and
- (4) an emergency kit available to each living unit and appropriate to the needs of its residents.

(d) Medication errors and drug reactions must be recorded and reported immediately to the practitioner who ordered the drug.

.010. Drug Storage. The ICF-MR must:

(1) store drugs under proper conditions of sanitation, temperature, light, moisture, ventilation, segregation, and security.

(2) store poisons, drugs used externally, and drugs taken internally on separate shelves or in separate cabinets, at all locations.

(3) keep medication that is stored in a refrigerator containing other items in a separate compartment with proper security.

(4) keep all drugs under lock and key unless an authorized individual is in attendance;

(5) if there is a drug storeroom separate from the pharmacy, keep a perpetual inventory of receipts and issues of all drugs from that storeroom; and

(6) meet the drug security requirements of federal and state laws that apply to storerooms, pharmacies, and living units.

Doc. No. 808849

Resident Records 326.35.21.001, .004

The repeal of Rules 326.35.21.001 and .004, concerning Resident Records, is adopted under the authority of the Human Resources Code, Title II, with the approval of the Texas Board of Human Resources.

Doc. No. 808850

326.35.21.006

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

006 Availability of Records. Resident records must be available for review by the Department of Human Resources, the Department of Mental Health and Mental Retardation, the Department of Health, and the Department of Health, Education, and Welfare.

Doc. No. 808851

326.35.21.010-.020

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

010. Record and Reports of Reviews. The results of the reviews required by Rules 326.35.19.008 and .009 must be:

- (1) recorded in the resident's record kept in the living unit;
- (2) made available to personnel involved in the direct care of the resident;
- (3) interpreted to the resident's parents or legal guardian who are involved in planning and decision making; and
- (4) interpreted to the resident, when appropriate.

011 Release from the ICF MR

(a) The ICF MR must establish procedures for counseling a parent or guardian who requests the release of a resident concerning the advantages and disadvantages of the release.

(b) Planning for release of a resident must include providing for appropriate services in the resident's new environment, including protective supervision and other follow-up services.

(c) When a resident is permanently released, the ICF MR must prepare and place in the resident's record a summary of findings, progress, and plans.

012 Dental Records. The ICF MR must

- (1) keep a permanent dental record for each resident;
- (2) enter a summary dental progress report at stated intervals in each resident's record kept in the living unit;
- (3) provide a copy of the permanent dental record to any facility to which the resident is transferred.

013 Records and Evaluations. The ICF MR must have evaluation results, treatment objectives, plans and procedures, and continuing observations of treatment progress:

- (1) recorded accurately, summarized, and communicated to all relevant parties;
- (2) used in evaluating progress; and
- (3) included in the resident's record kept in the living unit.

014. Recreation Records. The ICF MR's resident records must include

- (1) periodic surveys of the residents' recreation interests; and
- (2) the extent and level of the residents' participation in the recreation program.

015. Maintenance of Resident Records.

(a) The ICF MR must maintain a record for each resident that is adequate for:

- (1) planning and continuous evaluation of the resident's habilitation program;
- (2) furnishing documentary evidence of each resident's progress and response to his habilitation program; and
- (3) protecting the legal rights of the residents, the ICF MR, and the staff.

(b) Any individual who makes an entry in a resident's record must make it legibly, date it, and sign it.

(c) The ICF MR must provide a legend to explain any symbol or abbreviation used in a resident's record.

016. Admission Records. At the time a resident is admitted, the ICF MR must enter in the individual's record the following information:

- (1) name, date of admission, birth date and place, citizenship status, marital status, and social security number;
- (2) father's name and birthplace, mother's maiden name and birthplace, and parents' marital status;
- (3) name and address of parents, legal guardian, and next of kin if needed;
- (4) sex, race, height, weight, color of hair, color of eyes, identifying marks, and recent photograph;
- (5) reason for admission or referral problem;
- (6) type and legal status of admission;
- (7) legal competency status;
- (8) language spoken or understood;
- (9) sources of support including social security, veterans benefits, and insurance;
- (10) religious affiliation, if any;
- (11) reports of the preadmission evaluations;
- (12) reports of previous histories and evaluations, if any.

017. Record Entries During Residence

(a) Within one month after the admission of each resident, the ICF MR must enter in the resident's record:

- (1) a report of the review and updating of the preadmission evaluation;
- (2) a prognosis that can be used for programming and placement; and
- (3) a comprehensive evaluation and individual program plan designed by an interdisciplinary team.

(b) The ICF MR must enter the following information in a resident's record during his residence:

- (1) reports of accidents, seizures, illnesses, and treatments for these conditions;
- (2) records of immunizations;
- (3) records of all periods that restraints were used, with justification and authorization for each;

(4) reports of regular, at least annual, review and evaluation of the program, developmental progress, and status of each resident;

(5) enough observations of the resident's response to his or her program to enable evaluation of its effectiveness;

(6) records of significant behavior incidents;

(7) records of family visits and contacts;

(8) records of attendance and absences;

(9) correspondence pertaining to the resident;

(10) periodic updates of the information recorded at the time of admission;

(11) appropriate authorizations and consents;

(c) The ICF MR must enter a discharge summary in the resident's record at the time he or she is discharged.

018. Confidentiality

(a) The ICF MR must keep confidential all information contained in a resident's records, including information contained in an automated data bank.

(b) The record is the property of the ICF MR which must protect it from loss, damage, tampering, or use by unauthorized individuals.

(c) The ICF MR must have written policies governing access to, duplication of, and release of information from the record.

(d) The ICF MR must obtain written consent of the resident, if competent, or his or her guardian before it releases information to individuals not otherwise authorized to receive it.

019. Central Record Service. The ICF MR must

(1) maintain an organized central record service for the collection and release of resident information;

(2) make records readily accessible to authorized personnel if a centralized system is used;

(3) have appropriate records available in the resident living units;

(4) have a master alphabetical index of all residents admitted to the ICF MR; and

(5) retain records for a period consistent with HEW regulations and the statute of limitations of the state in which the ICF MR is located.

020. Staff and Facilities. The ICF MR must have

(1) enough qualified staff and support personnel to accurately process, check, index, file, and retrieve records and record data promptly; and

(2) adequate space, equipment, and supplies to provide efficient and effective record services.

Doc. No. 808852

Transfer Agreement 326.35.22.001, .002

The repeal of Rules 326.35.22.001 and .002, concerning Transfer Agreement, is adopted under the authority of the Human Resources Code, Title II, with the approval of the Texas Board of Human Resources.

Doc No 808853

326.35.22.003.

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

.003. Transfer to Another Facility.

(a) Except as provided in subsection (b) of this rule, the ICF MR must have in effect a transfer agreement with one or more hospitals sufficiently close by to make feasible the prompt transfer of the resident and his records to the hospital and to support a working arrangement between the ICF MR and the hospital for providing inpatient hospital services to residents when needed.

(b) If the survey agency finds that the ICF MR tried in good faith to enter into an agreement but could not, the ICF MR will be considered to meet the requirements of subsection (a) as long as the survey agency finds that it is in the public interest and essential to ensuring ICF MR services for eligible individuals in the community.

(c) When a resident is transferred to another facility, the ICF MR making the transfer must

(1) record the reason for the transfer and a summary of findings, progress, and plans; and

(2) except in an emergency, inform the resident and his or her parent or guardian in advance and obtain their written consent to the transfer.

Doc. No 808854

Food and Nutrition Services 326.35.23.001-.005

The repeal of Rules 326.35.23.001-.005, concerning Food and Nutrition Services, is adopted under the authority of the Human Resources Code, Title II, with the approval of the Texas Board of Human Resources.

Doc No 808855

326.35.23.006-.013

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

.006. Required Services. The ICF MR's food services must include

(1) menu planning;

(2) initiating food orders or requisitions;

(3) establishing specifications for food purchases and ensuring that the specifications are met;

(4) storing and handling food;

(5) preparing and serving food;

(6) maintaining sanitary standards in compliance with state and local regulations; and

(7) orienting, training, and supervising food service personnel.

.007. Diet Requirements

(a) The ICF MR must provide each resident with a nourishing, well-balanced diet.

- (b) Modified diets must be
- (1) prescribed by the resident's interdisciplinary team with a record of the prescription kept on file;
 - (2) planned, prepared, and served by individuals who have received adequate instruction, and
 - (3) periodically reviewed and adjusted as needed.
- (c) The ICF MR must furnish a nourishing, well balanced diet, in accordance with the recommended dietary allowances of the Food and Nutrition Board of the National Research Council, National Academy of Sciences, adjusted for age, sex, activity, and disability, unless otherwise required by medical needs.
- (d) A resident may not be denied a nutritionally adequate diet as a form of punishment.

008 Meal Service

- (a) The ICF MR must serve at least three meals daily, at regular times comparable to normal meal times in the community with
- (1) not more than 14 hours between a substantial evening meal and breakfast of the following day, and
 - (2) not less than 10 hours between breakfast and the evening meal of the same day
- (b) Food must be served
- (1) in appropriate quantity
 - (2) at appropriate temperature,
 - (3) in a form consistent with the developmental level of the resident, and
 - (4) with appropriate utensils.
- (c) Food served and uneaten must be discarded.

009 Menus

- (a) Menus must
- (1) be written in advance,
 - (2) provide a variety of foods at each meal; and
 - (3) be different for the same days of each week and adjusted for seasonal changes.
- (b) The ICF MR must keep on file, for at least 30 days, records of menus as served and of food purchased.

010 Food Storage

- The ICF MR must store
- (1) dry or staple food items at least 12 inches above the floor, in a ventilated room not subject to sewage or waste water back flow or contamination by condensation, leakage, rodents, or vermin, and
 - (2) perishable foods at proper temperatures to conserve nutritive values.

011 Work Areas

- The ICF MR must
- (1) have effective procedures for cleaning all equipment and work areas, and
 - (2) provide hand washing facilities including hot and cold water, soap, and paper towels adjacent to work areas.

012 Dining Areas and Service

- The ICF MR must
- (1) serve meals for all residents, including the mobile nonambulatory, in dining rooms unless otherwise required for health reasons or by decision of the team responsible for the resident's program,
 - (2) provide table service for all residents who can and will eat at a table, including residents in wheelchairs
 - (3) equip areas with table, chairs, eating utensils, and dishes designed to meet the developmental needs of each resident, and
 - (4) supervise and staff dining rooms adequately to direct self-help dining procedures and to ensure that each resident receives enough food.

013 Training of Residents and Direct Care Staff

- (a) The ICF MR must provide residents with systematic training to develop appropriate eating skills using special eating equipment and utensils if it serves the developmental process.
- (b) Direct care staff must be trained in and use proper feeding techniques.
- (c) The ICF MR must ensure that residents eat in an upright position, unless medically contraindicated, and in a manner consistent with their developmental needs.

Doc. No 808856

Housekeeping and Maintenance Services

326.35.24

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

004 Engineering and Maintenance The ICF MR must have

- (1) an appropriate, written preventive maintenance program; and
- (2) enough trained and experienced personnel for engineering and maintenance functions.

005 Laundry Services The ICF MR must manage its laundry services so that it meets daily clothing and linen needs without delay.

Doc No 808857

Physical Environment 326.35.25

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

010 Health and Safety Laws The ICF MR must meet all federal, state, and local laws, regulations, and codes pertaining to health and safety, such as provisions regulating

- (1) buying, dispensing, safeguarding, administering, and disposing of medications and controlled substances,
- (2) construction, maintenance, and equipment for the ICF MR,
- (3) sanitation,
- (4) communicable and reportable diseases; and
- (5) post mortem procedures.

011 Resident Living Areas The ICF MR must design and equip the resident living areas for the comfort and privacy of each resident.

012 Resident Bedrooms, Space and Occupancy

- (a) Bedrooms must
- (1) be at or above street grade level;
 - (2) be outside rooms, and
 - (3) be equipped with or located near adequate toilet and bathing facilities,
 - (4) accommodate no more than four residents unless granted a variance under subsection (b) of this rule, and
 - (5) measure at least 60 square feet per resident in multiple resident bedrooms and at least 80 square feet in single resident bedrooms.

(b) The survey agency may grant a variance from the limit of four residents per room if it finds that:

(1) a physician or psychologist who meets the definition of a qualified mental retardation professional in these rules has justified in each affected resident's plan of care that assignment to a bedroom of more than four residents is in accordance with the program needs of that resident; and

(2) the variance does not adversely affect the health or safety of the residents.

(c) The variance may be granted only for the period of a specific certification.

013 Resident Bedrooms—Furniture and Bedding. The ICF/MR must provide each resident with:

(1) a separate bed of proper size and height for the convenience of the resident;

(2) a clean, comfortable mattress;

(3) bedding appropriate to the weather and climate; and

(4) appropriate furniture, such as a chest of drawers, a table or desk, and an individual closet with clothes racks and shelves accessible to the resident.

014 Storage Space in Living Units. The ICF/MR must provide:

(1) space for equipment for daily out-of-bed activity for all residents who are not yet mobile, except those who have a short-term illness or those few residents for whom out-of-bed activity is a threat to life;

(2) suitable storage space, accessible to the resident, for personal possessions, such as toys and prosthetic equipment; and

(3) adequate clean linen and dirty linen storage areas for each living unit.

015 Resident Bathrooms.

(a) The ICF/MR must:

(1) have toilet and bathing facilities appropriate in number, size, and design to meet the needs of the residents;

(2) provide for individual privacy in toilets, bathtubs, and showers unless specifically contraindicated by program needs;

(3) equip bath rooms and bathroom appliances for use by the physically handicapped; and

(4) control the temperature of the hot water at all taps to which residents have access, by using thermostatically controlled mixing valves or other means, so that the water does not exceed 110°F.

(b) The survey agency may grant a variance from the requirement in subsection (a)(4) of this rule if:

(1) the hot water taps are in supervised areas; and

(2) the purpose of the variance is to allow residents in the use of hot water.

(c) The variance must be part of the survey record.

016 Heating and Ventilation in Living Units.

(a) Each habitable room in the ICF/MR must have:

(1) at least one window; and

(2) direct outside ventilation by means of windows, louvers, air conditioning, or mechanical ventilation horizontally and vertically.

(b) The ICF/MR must:

(1) maintain the temperature and humidity within a normal comfort range by heating, air conditioning, or other means; and

(2) use a heating apparatus that does not constitute a burn hazard to residents.

017 Floors in Living Units. The ICF/MR must have:

(1) floors that have a resilient, nonabrasive, and slip-resistant surface; and

(2) nonabrasive carpeting if the living unit is carpeted and serves residents who crawl.

018 Emergency Lighting. If a living unit houses more than 15 residents, it must have emergency lighting with automatic switches for stairs and exits.

019 Emergency Plan and Procedures.

(a) The ICF/MR must have a written staff organization plan and detailed written procedures to meet all potential emergencies and disasters, such as fire, severe weather, and missing residents.

(b) The ICF/MR must:

(1) clearly communicate and periodically review the plan and procedures with the staff; and

(2) post the plan and procedures at suitable locations throughout the facility.

020 Evacuation Drills.

(a) The ICF/MR must hold evacuation drills at least quarterly for each shift of personnel and under varied conditions to:

(1) ensure that all personnel on all shifts are trained to perform assigned tasks;

(2) ensure that all personnel on all shifts are familiar with the use of the ICF/MR's firefighting equipment; and

(3) evaluate the effectiveness of emergency and disaster plans and procedures.

(b) The ICF/MR must:

(1) actually evacuate residents to safe areas during at least one evacuation drill each year, on each shift;

(2) make special provisions for the evacuation of the physically handicapped, such as fire chutes and mattress loops with poles;

(3) write and file a report and evaluation of each evacuation drill; and

(4) investigate all accidents and take corrective action to prevent similar accidents in the future.

021 Fire Protection.

(a) Except as provided in these rules, the ICF/MR must meet the provisions of the Life Safety Code of the National Fire Protection Association, 1967 edition, that apply to institutional occupancies.

(b) If the secretary finds that the state has a fire and safety code imposed by state law that adequately protects residents in ICF/MRs, the state survey agency may apply the state code for purposes of Medicaid certification instead of the Life Safety Code.

022 Fire Protection Exceptions for Smaller ICF/MRs. The state survey agency may apply the lodgings or rooming houses section of the residential occupancy requirements of the Life Safety Code of the National Fire Protection Association, 1967 edition, instead of the institutional occupancy provisions required by these rules to an ICF/MR that has 15 beds or less if a physician or psychologist who meets the definition of qualified mental retardation professional in these rules certifies that each resident is:

(1) ambulatory;

(2) receiving active treatment; and

(3) capable of following directions and taking appropriate action for self preservation under emergency conditions.

023 *Fire Protection Waivers*

(a) The state survey agency may waive specific provisions of the Life Safety Code required by these rules, for as long as it considers appropriate, if

(1) the waiver would not adversely affect the health and safety of the residents;

(2) rigid application of specific provisions would result in unreasonable hardship for the ICF MR as determined under guidelines contained in the HCFR long term care manual; and

(3) the waiver is granted in accordance with criteria contained in the long term care manual.

(b) If a state agency waives provisions of the Code for an existing building of two or more stories that is not built of at least two hour fire resistive construction, the ICF MR may not house a blind, nonambulatory, or physically handicapped resident above the street level floor unless it is built of

(1) one hour protected, noncombustible construction as defined in the National Fire Protection Association Standard 220;

(2) full sprinklered, one hour protected ordinary construction;

(3) full sprinklered, one hour protected wood frame construction.

024 *Paint*. The ICF MR must

(1) use lead free paint inside the facility; and

(2) remove or cover old paint or plaster containing lead so it is not accessible to residents.

025 *Building Accessibility and Use*

(a) The ICF MR must

(1) be accessible to and usable by all residents, personnel, and the public, including individuals with disabilities; and

(2) meet the requirements of American National Standards Institute (ANSI) Standard A117.1-1991, American Standard Specifications for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped.

(b) The state survey agency may waive, or as long as it considers appropriate, specific provisions of ANSI Standard A117.1-1991, if

(1) the construction plans for the ICF MR or a part of it were approved and stamped by the responsible state agency before March 18, 1974;

(2) the provision would result in unreasonable hardship on the ICF MR if strictly enforced; and

(3) the waiver does not adversely affect the health and safety of the residents.

026 *Sanitation Records and Reports*. The ICF MR must keep

(1) records that document compliance with the sanitation, health, and environmental safety codes of the state or local authorities having primary jurisdiction over the ICF MR; and

(2) written reports of inspections by state or local health authorities, and records of action taken on their recommendations.

Doc No 808858

Change in Status of Intermediate Care MR Section 326.35.26

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

001 *Eligibility for Vendor Payments*. Vendor payments can be made for only that period of time

(1) that the section operates in a certified status as determined by the Texas Department of Health;

(2) that the section has been approved for participation by the Department of Human Resources.

The intermediate care MR section must have a signed contract with the Department of Human Resources and must be in compliance with the standards for participation as established by the Department of Health.

Note. It should be noted that the certification for participation status can cover periods of time as covered by the official certificate from the state survey agency and also covered by a contract with the Department of Human Resources. The effective date of eligibility for participation will be established by the state survey agency.

002 *Contract*. The chief executive officer or administrator of each section will submit an application to the Department of Human Resources for approval to operate an ICF MR section. When certified by the Health Department, a contract for participation may be entered into by the Department of Human Resources and the facility concerned.

003 *Vendor Payments*

(a) Vendor payments cannot be released for any month of service when more than 12 months have elapsed between the month of service and the month of payment for that service.

(b) Vendor payments inadvertently made for services performed during a period of time that the facility was in a nonparticipating status must be refunded to the Texas Department of Human Resources.

Doc No 808859

Facilities with More Than 15 Beds 326.35.28

The repeal of Rule 326.35.28 001, concerning Allowable Exceptions, is adopted under the authority of the Human Resources Code, Title II, with the approval of the Texas Board of Human Resources.

Doc No 808860

Special Criteria for Facilities with 15 Beds or Fewer 326.35.29

The repeal of Rules 326.35.29 001-009, concerning Special Criteria for Facilities with 15 Beds or Fewer, is adopted under the authority of the Human Resources Code, Title II, with the approval of the Texas Board of Human Resources.

Doc No 808861

Additional Conditions To Be Met 326.35.30.001-.036

The repeal of Rules 326.35.30.001-.036, concerning Additional Conditions To Be Met, is adopted under the authority of the Human Resources Code, Title II, with the approval of the Texas Board of Human Resources.

Doc. No 808862

326.35.30.037-.050

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

037 Resident Clothing The ICF MR must ensure that each resident

- (1) has enough neat, clean, suitable, and seasonable clothing.
- (2) has his or her own clothing marked with his or her name when necessary.
- (3) is dressed daily in his or her own clothes unless this is contraindicated in written medical orders;
- (4) is trained and encouraged, as appropriate, to
 - (A) select his or her daily clothing;
 - (B) dress him or herself; and
 - (C) change his or her clothes to suit his or her activities.
- (5) has storage space for his or her clothing that is accessible to him or her even if he or she is in a wheelchair.

038 Health, Hygiene, Grooming, and Toilet Training

- (a) Each resident must be trained to be as independent as possible in health, hygiene, and grooming practices, including bathing, brushing teeth, shampooing, combing and brushing hair, shaving, and caring for toenails and fingernails.
- (b) Each resident who does not eliminate appropriately and independently must be in a regular, systematic toilet training program and a record must be kept of his or her progress in the program.
- (c) A resident who is incontinent must be bathed or cleaned immediately upon voiding or soiling, unless specifically contraindicated by the training program, and all soiled items must be changed.
- (d) The ICF MR must establish procedures for
 - (1) weighing each resident monthly, unless the special needs of the resident require more frequent weighing;
 - (2) measuring the height of each resident every three months until the resident reaches the age of maximum growth;
 - (3) maintaining weight and height records for each resident; and
 - (4) ensuring that each resident maintains a normal weight.
- (e) At least every three days, a physician must review orders prescribing bed rest or prohibiting a resident from being outdoors.
- (f) The ICF MR must furnish, maintain in good repair, and encourage the use of dentures, eyeglasses, hearing aids, braces, and other aids prescribed for a resident by an appropriate specialist.

039 Grouping and Organization of Living Units

- (a) The ICF MR may not house residents of grossly different ages, developmental levels, and social needs in close physical or social proximity unless the housing is planned to promote the growth and development of all those housed together.
- (b) The ICF MR may not segregate residents on the basis of their physical handicaps. It must integrate residents who are mobile nonambulatory, deaf, blind, epileptic, and so forth, with others of comparable social and intellectual development.

040 Resident Living Staff

- (a) Each resident living unit must have sufficient, appropriately qualified, and adequately trained personnel to conduct the resident living program as required by these rules.
- (b) The ICF MR must have an individual, whose training and experience is appropriate to the program, who is administratively responsible for resident living personnel.
- (c) Each resident living unit, regardless of organization or design, must have, as a minimum, overall staff resident ratios (allowing for a five day work week plus holiday, vacation, and sick time) as follows, unless program needs justify otherwise:
 - (1) For units serving children under the age of six years, severely and profoundly retarded, severely physically handicapped, or residents who are aggressive, assaultive, or security risks, or who manifest severely hyperactive or psychotic like behavior, the overall ratio is 1:2.
 - (2) For units serving moderately retarded residents requiring habit training, the overall ratio is 1:2.1:2.
 - (3) For units serving residents in vocational training programs and adults who work in sheltered employment situations, the overall ratio is 1:5.

041 Needed Services In addition to the resident living services detailed in these rules, the ICF MR must provide professional and special programs and services to residents based upon their needs for these programs and services.

042 Quality Standards for Outside Resources

- (a) Programs and services provided by the ICF MR or to the ICF MR by outside agencies or individuals must meet the standards for quality of services required in these rules.
- (b) All contracts for these services must state that these standards will be met.

043 Arrangements with Outside Resources The ICF MR must

- (1) have a formal arrangement for providing each resident with medical care that includes care for medical emergencies on a 24 hour a day basis;
- (2) designate a physician licensed to practice medicine in the state to be responsible for maintaining the general health conditions and practices of the ICF MR; and
- (3) maintain effective arrangements for residents to receive prompt medical and remedial services that they require but that the ICF MR does not regularly provide.

044 Required Services

- (a) The ICF MR must provide physical and occupational therapy services through direct contact between therapists and residents and through contact between therapists and individuals involved with the residents.
- (b) Physical and occupational therapy staff must provide treatment training programs that are designed to

(1) preserve and improve abilities for independent function, such as range of motion, strength, tolerance, coordination and activities of daily living; and

(2) prevent, insofar as possible, irreducible or regressive disabilities through means such as the use of orthotic and prosthetic appliances, assistive and adaptive devices, positioning, behavior adaptations, and sensory stimulation

(c) The therapist must

(1) work closely with the resident's primary physician and with other medical specialists;

(2) record regularly and evaluate periodically the treatment training progress, and

(3) use the treatment training progress as the basis for continuation or change in the resident's program.

015 *Staff and Facilities (Therapy Services)*

(a) The ICF MR must have available enough qualified staff and support personnel to carry out the various physical and occupational therapy services in accordance with stated goals and objectives.

(b) Physical and occupational therapy personnel must be

(1) assigned responsibilities in accordance with their qualifications

(2) delegated authority commensurate with their responsibilities, and

(3) provided professional direction and consultation.

(c) Therapy assistants must work under the supervision of a qualified therapist

(d) Physical and occupational therapists and therapy assistants must meet the qualification requirements in these rules

(e) The ICF MR must provide enough space and equipment and supplies for efficient and effective physical and occupational therapy services.

016 *Required Recreation Services* The ICF MR must:

(1) coordinate recreational services with other services and programs provided to each resident, in order to:

(A) make the fullest possible use of the ICF MR's resources and

(B) maximize benefits to the residents.

(2) design and construct or modify recreation areas and facilities so that all residents, regardless of their disabilities, have access to them, and

(3) provide recreation equipment and supplies in a quantity and variety that is sufficient to carry out the stated objectives of the activities programs

017 *Required Social Services* The ICF MR must provide, as part of an interdisciplinary set of services, social services to each resident directed toward

(1) maximizing the social functioning of each resident

(2) enhancing the coping capacity of each resident's family

(3) asserting and safeguarding the human and civil rights of the retarded and their families, and

(4) fostering the human dignity and personal worth of each resident

018 *Required Pathology and Audiology Services*

(a) The ICF MR must provide speech pathology and audiology services through direct contact between speech pathologists and audiologists and residents, and working

with other personnel, including but not limited to teachers and direct care staff.

(b) Speech pathology and audiology services available to the ICF MR must include

(1) screening and evaluation of residents with respect to speech and hearing functions.

(2) comprehensive audiological assessment of residents, as indicated by screening results, that include tests of puretone air and bone conduction, speech audiometry, and other procedures, as necessary, and the assessment of the use of visual cues;

(3) assessment of the use of amplification;

(4) provision for procurement, maintenance, and replacement of hearing aids, as specified by a qualified audiologist;

(5) comprehensive speech and language evaluation of residents, as indicated by screening results, including appraisal of articulation, voice, rhythm, and language.

(6) participation in the continuing interdisciplinary evaluation of individual residents for purposes of beginning, monitoring, and following up on individualized habilitation programs.

(7) treatment services as an extension of the evaluation process, that include

(A) direct counseling with residents,

(B) consultation with appropriate staff for speech improvement and speech education activities; and

(C) work with appropriate staff to develop specialized programs for developing each resident's communication skills in comprehension, including speech, reading, auditory training and hearing aid utilization, and skills in expression, including improvement in articulation, voice, rhythm, and language; and

(8) participation in in-service training programs for direct care and other staff

019 *Evaluations and Assessments*

(a) Speech pathologists and audiologists must accurately and systematically report evaluation and assessment results in order to

(1) provide information, when appropriate, that is useful to other staff working directly with the resident, and

(2) include evaluative and summary reports in the resident's record kept in the living unit

(b) Continuing observations of treatment progress must be

(1) recorded accurately, summarized, and communicated; and

(2) used in evaluating progress.

050 *Staff and Facilities (Speech Pathology and Audiology Services)*

(a) The ICF MR must have available enough qualified staff and support personnel to carry out the various speech pathology and audiology services, in accordance with stated goals and objectives

(b) Staff who assume independent responsibilities for clinical services must meet the qualification requirements in these rules

(c) The ICF MR must provide adequate, direct, and continuing supervision to personnel, volunteers, or support personnel used in providing clinical services

(d) The ICF MR must have enough space, equipment, and supplies to provide efficient and effective speech pathology and audiology services.

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

Doc. No 808863 Marlin W. Johnston
Acting Commissioner
Texas Department of Human Resources

Effective Date: December 11, 1980
Proposal Publication Date: August 5, 1980
For further information, please call (512) 441-3355.

State Board of Insurance

Rating and Policy Forms

Workers' Compensation 059.05.55

The State Board of Insurance amends Rule 059.05.55.001, Texas Workers' Compensation and Employers' Liability Insurance Manual.

The amended rule replaces the 1936 edition of the Texas Basic Manual of Rules, Classifications, and Rates for Workers' Compensation Insurance with the 1980 edition similarly labeled. However, only the general rules, the classification section, the table of contents, and the index have been restructured, while the remainder of the manual has merely been reprinted to reflect the graphic improvements in type size, type face and design, not to mention the improvement in readability brought about by use of the larger 8 1/2 by 11 inch page size.

The basic manual has been in use for over 40 years without a general revision. Over the years, as issues arose, the rules have been amended and expanded on numerous occasions to provide needed changes to solve such problems. The result was a set of rules in which some were obsolete, some ambiguous, and others no longer suitable for modern day operations in the insurance field.

The newly amended rules generally are correlated with items in the policy declarations and with premium determination procedures. The rules are presented in a fresh style and simplified language and utilize plain, ordinary words adapted to workers' compensation insurance operations. Although a number of incidental changes were made to produce the amended rules, the same reasonable intent inherent in the old manual has been contained in the new manual, however, a simpler, more modern approach has been used.

The amended rules also contain advantages to the insurance buyer in terms of increased accuracy with which the rules and classifications will be applied because of simplification.

In the classification section, the two changes are the clarification of the scope and intended application by making classifications more self contained through expanded phraseology instead of references and by removal of references to gender in classification language, as far as practicable.

Both the table of contents and the index have been expanded considerably for easier reference and have been revised to coincide with the new material printed in the manual.

These amendments are adopted pursuant to Articles 104, 5.55, and 5.62 of the Texas Insurance Code.

.001 Texas Workers' Compensation and Employers' Liability Insurance Manual. The State Board of Insurance adopts by reference the attached Texas Workers' Compensation and Employers' Liability Insurance Manual as amended in December 1980, which contains rules, classifications, rates, and endorsement forms for workers' compensation and employers' liability insurance. This document is published by and is available from the National Council on Compensation Insurance, One Penn Plaza, New York, New York 10119, or from the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786, where it is available for inspection. Purchase price is yet to be determined.

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

Doc. No. 808827 Pat Wagner
Chief Clerk
State Board of Insurance

Effective Date: December 11, 1980
Proposal Publication Date: August 26, 1980
For further information, please call (512) 475-2136.



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*.

State Bar of Texas

Monday, December 1, 1980, 9:30 a.m. The Executive Committee of the State Bar of Texas will meet in the President's Room of the Texas Law Center, third floor, east wing, 1414 Colorado Street, Austin. According to the agenda summary, the committee will discuss reports: Federal Trade Commission and Internal Revenue Service matters, Texas Legal Protection Plan, Inc., hosting of southern conference of bar presidents in 1981, advertising and convention 1981, reports of president-elect and immediate past-president, review of legislative program and action on new proposals, review and action on weekly digest, discussion of personnel, progress report on Magna Carta, approval to notify tenants of proposed rent increase effective September, 1981, resolution of appreciation for crack the shell publicity, discussion of pending litigation, proposals to amendments of the code of professional responsibility, review of 1980 through 1981 budget position, audit management response, long range study on dues increase, and Bar Survey Committee report.

Information may be obtained from Evelyn Avent, 1414 Colorado Street, Austin, Texas, (512) 475-4746.

Filed November 21, 1980, 11:27 a.m.
Doc. No. 808900

State Board of Canvassers

Monday, November 24, 1980, 4 p.m. The State Board of Canvassers held an emergency meeting in the Governor's Reception Room of the State Capitol to expedite completion of statewide canvass after receipt of late certifications from several counties. The board canvassed the returns of the November 4, 1980 general election for statewide and district officers and proposed constitutional amendments.

Information may be obtained from Milton Mallory, 915 Sam Houston Building, Austin, Texas, 78711, (512) 475-3091.

Filed November 21, 1980, 2:18 p.m.
Doc. No. 808901

Texas Coastal and Marine Council

Friday, December 5, 1980, 10 a.m. The Texas Coastal and Marine Council will meet in the Lieutenant Governor's Committee Room of the State Capitol. According to the agenda, the council will present service awards; elect council officers; consider reports on San Antonio Bay artificial reef, Southern Building Code, and navigation risk management; meet in executive session for discussion of personnel matters; consider report to 67th Legislature; discuss future council projects; and hear public testimony.

Information may be obtained from Jenny Aldridge, P.O. Box 13407, Austin, Texas, (512) 475-5830.

Filed November 25, 1980, 9:36 a.m.
Doc. No. 809003

Texas Education Agency

Thursday, December 4, 1980, 9 a.m. The State Commission on School Accreditation of the Texas Education Agency will meet in the board room, 150 East Riverside Drive, Austin. According to the agenda summary, the commission will consider the following: recommendations concerning accreditation status of school districts, oral report concerning House Concurrent Resolution 90 curriculum study, advice regarding standard procedures for school districts changing their grade configuration, advice regarding experimental courses (courses not on the list of approved courses and subjects), proposed new curriculum framework for industrial arts, information accreditation monitoring guide, principles, standards and procedures for the accreditation of school districts, nonpublic schools recommended for full accreditation, nonpublic schools recommended for probationary accreditation beginning September 1, 1980, and date for next commission meeting.

Information may be obtained from Bob Montgomery, 201 East 11th Street, Austin, Texas, 78701, (512) 475-3359.

Filed November 21, 1980, 3:51 p.m.
Doc. No. 808933

Friday, December 5, 1980, 9 a.m. The Apprenticeship and Training Advisory Committee of the Texas Education Agency will meet in the board room, 150 East Riverside Drive, Austin. According to the agenda, the committee will approve the minutes, hear committee reports, distribution of funds at the secondary and post-secondary levels, hear report by apprenticeship coordinator, hold Ad Hoc Committee meetings, hear reports from Ad Hoc Committee chairperson, and discuss new business.

Information may be obtained from Daniel C. Lowe, 201 East 11th Street, Austin, Texas, 78701, (512) 475-3129.

Filed November 21, 1980, 3:50 p.m.
Doc. No. 808934

Employees Retirement System of Texas

Thursday, December 4, 1980, 9 a.m. The Group Insurance Advisory Committee of the Employees Retirement System of Texas will meet in the fourth floor board room of the ERS Building, 18th and Brazos, Austin, to discuss possible program changes concerning cost containment, single plan concept, and federal program approach, and to introduce new staff members of the Group Insurance Division.

Information may be obtained from Clayton T. Garrison, Box 13207, Austin, Texas 78711, (512) 476-6431.

Filed November 24, 1980, 9 22 a.m.
Doc No 808954

Wednesday, December 17, 1980, 9 a.m. The Group Insurance Advisory Committee of the Employees Retirement System of Texas will meet in the fourth floor board room, Employees Retirement System Building, 18th and Brazos, Austin. According to the agenda, the committee will continue discussion of possible program changes concerning cost containment, single plan concept, and federal program approach.

Information may be obtained from Clayton T. Garrison, Box 13207, Austin, Texas 78711, (512) 476-6431.

Filed November 24, 1980, 9 22 a.m.
Doc No 808988

Texas Health Facilities Commission

Friday, December 5, 1980, 9:30 a.m. The Texas Health Facilities Commission will meet in Suite 305 of the Jefferson Building, 1600 West 38th Street, Austin, to consider the following applications:

Certificate of Need

Girling and Associates Home Health Services Inc., Austin
AS80 0620 001

Brenham State School, Brenham
AA80 0709 001

Smith's Nursing Home, Wolfe City
ANS0 0730 019

Ballinger Memorial Hospital, Ballinger
AHS0 0701 012

Panhandle Rural Health Corporation's Fritch Clinic,
Fritch, AO80 0801 016

Kaiser Prudential Health Plan, Dallas
AO80 0806 014

Central Texas Health Plan, Austin
AO80 0725 010

Texas Children's St. Luke's Episcopal Hospital
AHS0 0723 013

Spohn Hospital, Corpus Christi
AH80 0630 006, AH80 0630 028, AH80 0630 041

Exemption Certificate

The Methodist Hospital, Houston
AH80 1017 003, AH80 1021 013

Memorial Hospital, Beeville
AH80 1017 009

Gulf Coast Medical Center and Caney Valley Memorial
Hospital, Wharton, AH80-1014-034

Texas Children's Hospital, Houston
AH80-1010-011

Brazos Valley MH/MR Center, Bryan
AA80-0722-024

Park Place Hospital, Port Arthur
AH80 0613 037

Mainland Home Nursing Service, Inc., League City
AS80 1006 028

Girling Health Care, Inc., Austin
AS80 1020 020

St. Luke's Episcopal Hospital, Houston
AH80 1023 005

Tarrant County MH/MR Services, Fort Worth
AA80 1008-004, AA80 1008 008

Baptist Memorial Hospital, San Antonio
AH80 1008 016

Declaratory Ruling

Primacare Minor Emergency Center, Farmers Branch
AO79 1114 005

Temple Minor Emergency Center, Temple
AO80 0428 016

Carrollton Minor Emergency Center, Carrollton
AO79 1114 008

Transfer of Certificate of Need

The Woodland Medical Center, Inc. for the Woodlands
Family Health Center, Montgomery County
AS78 1218 001T-100980

Amendment of Certificate of Need Order

Parkland Memorial Hospital, Dallas
AH79 0824 013A-102380

Memorial Hospital, Nacogdoches
AH79 0625 005A-101080

A routine business meeting will follow the open meeting.

Information may be obtained from Linda E. Zatopek, P.O.
Box 15023, Austin, Texas 78761, (512) 475-6940

Filed November 24, 1980, 4 25 p.m.
Doc No 808995

State Board of Insurance

Tuesday, November 25, 1980, 9:30 a.m. The State Board of Insurance held an emergency session in Room 408, 1110 San Jacinto, Austin. According to the agenda, the board met in executive session to discuss litigation. The emergency session was necessary in order to make a decision concerning litigation in progress.

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

Filed November 24, 1980, 10 42 a.m.
Doc No 808949

Wednesday, December 3, 1980, 9:30 a.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto Street, Austin, in Docket 6236- application of Robinson Reinsurance Corp., Waco, for original incorporation.

Information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: November 24, 1980, 2:52 p.m.
Doc No 808964

Thursday, December 4, 1980, 10 a.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto Street, Austin, to consider compliance with Commissioner's Order 80-3330 by Minsters Benefit Trust, The Benefit Company, Bob A. Littlejohn, A. Alvis Edmonson, A. R. Wilson, and Donald R. Stone--Docket 6178.

Information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: November 24, 1980, 2:52 p.m.
Doc No 808965

Friday, December 5, 1980. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto, Austin, at the times indicated below to conduct public hearings in the following dockets:

9:30 a.m. Docket 6229--application of American National Credit Insurance Co., Dallas, for certificate of authority

10:30 a.m. Docket 6205--application of Frankona America Life Reassurance Co., Kansas City, Missouri, for admission

1:30 p.m. Docket 6206--application of Excess and Treaty Reinsurance Corp., New York, New York, for admission

Information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: November 24, 1980, 2:52 p.m.
Doc Nos 808966-808968

Monday, December 8, 1980. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto, Austin, at the times indicated below to conduct public hearings in the following dockets:

10 a.m. Docket 6225--application of New HG Insurance Co., Austin, for original charter

11 a.m. Docket 6226--application of Traders Indemnity Co., Austin, for original charter

2 p.m. Docket 6225--application of Savers Annuity Insurance Co., Euless, for original charter

Information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: November 24, 1980, 2:53 p.m.
Doc Nos 808969-808971

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

Tuesday, December 9, 1980, 2 p.m.
Tuesday, December 16, 1980, 2 p.m.
Tuesday, December 23, 1980, 2 p.m.
Tuesday, December 30, 1980, 2 p.m.

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

Filed: November 21, 1980, 9:22 a.m.
Doc. Nos. 808886, 808888, 808890, and 808891

Wednesday, December 10, 1980, 9 a.m. The State Board of Insurance will conduct a public hearing in Room E of the John H. Reagan Building, 105 West 15th, Austin, to consider rate adjustments for commercial automobile liability and physical damage coverages.

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

Filed: November 24, 1980, 9:40 a.m.
Doc. No 808950

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

Wednesday, December 10, 1980, 2 p.m.
Wednesday, December 17, 1980, 2 p.m.
Wednesday, December 31, 1980, 2 p.m.

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

Filed: November 21, 1980, 9:23 a.m.
Doc Nos 808887, 808889 and 808892

Wednesday, December 17, 1980. The State Board of Insurance will conduct public hearings in Room E of the John H. Reagan Building, 105 West 15th Street, Austin, at the times listed below to consider the following:

9 a.m.--amendments to workers compensation insurance manual rules, endorsements, and policy forms

following adjournment of above hearing--amendments to workers compensation and employers' liability rates and rating values

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

Filed: November 24, 1980, 9:41 a.m.
Doc Nos 808951 and 808952

Texas State Board of Medical Examiners

Monday-Thursday, December 1-4, 1980, 8 a.m. The Texas State Board of Medical Examiners is making an emergency revision to the agenda of a meeting to be held at 211 East 7th, Austin. According to the agenda, the public hearing on proposed Physician's Assistants amendments is being changed to a discussion of the procedure for amendment of Physician's Assistants rules. It has been determined that the public hearing will be postponed until a later meeting and discussion only will be held at this meeting.

Information may be obtained from Jean Davis, 211 East 7th, Austin, Texas, (512) 475 0741.

Filed November 24, 1980, 9:38 a.m.
Doc. No. 808948

Merit System Council

Friday, December 5, 1980, 9 a.m. and 1:30 p.m. The Merit System Council will meet in 507 Brown Building, 8th and Colorado Streets, Austin, to conduct appeal hearings.

Information may be obtained from Thomas A. Davidson, P.O. Box 1389, Austin, Texas 78767, (512) 477 9665.

Filed November 25, 1980, 9:02 a.m.
Doc. No. 809000

Midwestern State University

Wednesday, November 26, 1980, 10 a.m. The Board of Regents of Midwestern State University met in the board room of the Hardin Administration Building, Midwestern State University, Wichita Falls. According to the agenda, the board discussed the appointment of the university president in executive session.

Information may be obtained from Dr. Jesse W. Rogers, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6611, ext. 211

Filed November 20, 1980, 2:30 p.m.
Doc No. 808864

Wednesday, November 26, 1980, 10 a.m. The Board of Regents of Midwestern State University made an emergency addition to the agenda of a meeting held in the board room of the Hardin Administration Building, Midwestern State University, Wichita Falls. According to the agenda, the board discussed the Fowler Building project. Unexpected information was obtained which was necessary to act on before January 1, 1981.

Information may be obtained from Dr. Jesse W. Rogers, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6611, ext. 211

Filed November 24, 1980, 9:40 a.m.
Doc No. 808955

Pan American University

Tuesday, December 2, 1980. The Board of Regents and the following committees of the Board of Regents of Pan American University will meet in the conference room of the Administration Building, Edinburg. The times and agendas of the meetings are listed below.

10:30 a.m. The Buildings and Grounds Committee will consider the construction of an animal facility, purchase of draperies for the dormitories, and Administration Building change order.

11 a.m. The Academic and Developmental Affairs Committee will meet in executive session (as authorized by Article 6252-Section 17, 2g, Vernon's Annotated Civil Statutes) to consider employment of personnel.

1 p.m. The Committee of the Whole will consider certain accounting procedures.

2 p.m. The Board of Regents will discuss approval of minutes, reports of Buildings and Grounds Committee, Academic and Developmental Affairs Committee, and Committee of the Whole, gifts and donations, budget changes, and the next meeting of the board.

Information may be obtained from Dr. Ralph F. Schilling, Pan American University, Edinburg, Texas, (512) 381-2101.

Filed November 20, 1980, 2:31 p.m.
Doc. Nos. 808865-808868

Texas State Board of Pharmacy

Thursday, December 4, 1980, 10 a.m.-5 p.m. The Texas State Board of Pharmacy will meet on the second floor of the Sheraton Crest Inn, 111 East 1st at Congress, Austin. The board will discuss proposed legislation, Sunset status, amendment to Rule 393.11.00.002 liability insurance, approval of minutes of prior board meetings, proposed NABPLEX score transfer issue, and old and new business. An executive session to discuss personnel matters will follow.

Information may be obtained from Priscilla Jarvis, Southwest Tower, Suite 1121, 211 East 7th Street, Austin, Texas 78701

Filed November 24, 1980, 9:27 a.m.
Doc No. 808956

Texas Board of Private Investigators and Private Security Agencies

Thursday, December 4, 1980, 9:30 a.m. The Texas Board of Private Investigators and Private Security Agencies will meet in Suite 127, conference room, 105 West Riverside Drive, Austin. According to the agenda summary, the board will discuss the following: old business- minutes of September 4, 1980, board meeting, psychological testing of applicants, new business- requests for waiver of board rule, approval of staff actions, proposed amendment to Board Rule 399.32.00.001 (employer qualifications).

Information may be obtained from Clema D. Sanders, P.O. Box 13509, Austin, Texas 78711, (512) 475-3944.

Filed November 24, 1980, 4:42 p.m.
Doc No. 808996

Public Utility Commission of Texas

Thursday, December 4, 1980, 9 a.m. The Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to consider final orders and hear oral argument in the following Dockets: 3350, 3319, 3393, 3136, 3389, 3492, 3148, 3152 and 3354, 3042, 3064, 3292 and 3296, 3087, 3380, 3369, 3485, 3440, 3396, 3419, 3472, 3477, 3501, 3508, 3514, 3515, and 3525.

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

Filed November 24, 1980, 2:51 p.m.
Doc No 808972

Thursday, December 4, 1980, 1 p.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3529—application of Greenbelt Electric Cooperative, Inc., for a system wide rate increase.

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

Filed November 24, 1980, 2:33 p.m.
Doc No 808957

Thursday, December 4, 1980, 1:30 p.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3550—application of Concho Valley Electric Cooperative, Inc., for a rate increase.

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

Filed November 20, 1980, 2:28 p.m.
Doc No 808869

Monday, December 15, 1980, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3530—application of Culleoka Water Supply Corp., to amend a certificate of convenience and necessity within Collin County (water).

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

Filed November 24, 1980, 2:34 p.m.
Doc No 808958

Wednesday, December 17, 1980, 1:30 p.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3536—application of Big Eddy, Inc., to amend its certificate of convenience and necessity for water utility service within Smith County.

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

Filed November 24, 1980, 2:34 p.m.
Doc No 808959

Thursday, December 18, 1980, 1:30 p.m. The Hearings Division of the Public Utility Commission of Texas has rescheduled a prehearing conference to be conducted in Suite 450N, 7800 Shoal Creek Boulevard, in Docket 3480—application of India Water Supply Corp., for a certificate of convenience and necessity within Ellis County. The conference was originally scheduled for November 26, 1980.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed November 20, 1980, 2:30 p.m.
Doc No 808870

Tuesday, January 6, 1981, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3560—application of Shady Shores Water System to amend a certificate of convenience and necessity within Marion County (water).

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

Filed November 24, 1980, 2:34 p.m.
Doc No 808960

Tuesday, January 6, 1981, 1:30 p.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3505—application of Utility Development and Research, Inc., for a rate increase for water utility service within Kleberg County.

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

Filed November 24, 1980, 2:34 p.m.
Doc No 808961

Tuesday, January 20, 1981, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3513—application of Ronald May doing business as Oak South Palo Alto Water Corp., Kings Point Water Point Water Corp., Shalimar Water Corp., Primrose Water Corp., and Twin Valley Water Corp.

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

Filed November 21, 1980, 2:19 p.m.
Doc No 808899

Railroad Commission of Texas

Monday, November 24, 1980, 9 a.m. The Gas Utilities Division of the Railroad Commission of Texas made an emergency addition to the agenda of a meeting held in Room 107, 1124 South IH 35, Austin. The addition concerned Gas Utilities Docket 2707-- request by the Featherlite Corp. for permission to purchase natural gas from Valero Petroleum. Consideration of this matter on less than seven days' notice was required as a matter of urgent public necessity because the temporary order in the proceeding expires on November 28, 1980, and the company has requested an emergency extension to prevent adverse economic impact to the company and its operating locale.

Information may be obtained from Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1126.

Filed November 21, 1980, 3:56 p.m.
Doc. No. 808921

Monday, December 1, 1980, 9 a.m. The Railroad Commission of Texas will meet in the third floor conference room, 1124 South IH 35, Austin. Following the regular agenda, the commission will go into executive session to discuss personnel actions for all divisions and to consult with its legal staff on prospective and pending litigation pursuant to Sections 2g and 2e of the Act, respectively.

Information may be obtained from Carla S. Doyne, 1124 South IH 35, Austin, Texas 78704, (512) 445-1186.

Filed November 21, 1980, 3:59 p.m.
Doc. No. 808923

Monday, December 1, 1980, 9 a.m. The Automatic Data Processing Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 South IH 35, Austin, to consider an agreement for purchase of Nixdorf equipment and licensing of programs and a maintenance agreement for Nixdorf equipment.

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

Filed November 21, 1980, 3:57 p.m.
Doc. No. 808922

Monday, December 1, 1980, 9 a.m. The Finance and Procurement Division of the Railroad Commission of Texas will meet in Room 107, 1124 South IH 35, Austin, to approve the annual financial operating report for fiscal year 1980.

Information may be obtained from Rex King, 1124 South IH 35, Austin, Texas, (512) 445-1211.

Filed November 21, 1980, 3:56 p.m.
Doc. No. 808924

Monday, December 1, 1980, 9 a.m. The Gas Utilities Division of the Railroad Commission of Texas will meet in Room 107, 1124 South IH 35, Austin. According to the agenda, the division will consider Gas Utilities Dockets 1906, 2804, 2822, 2784, and the director's report.

Information may be obtained from Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1126.

Filed November 21, 1980, 3:59 p.m.
Doc. No. 808926

Monday, December 1, 1980, 9 a.m. The Gas Utilities Division of the Railroad Commission of Texas has made an addition to the agenda of a meeting to be held in Room 107, 1124 South IH 35, Austin. The addition concerns the consideration of a contract for additional telephone service to the Kilgore district office.

Information may be obtained from Carla S. Doyne, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1186.

Filed November 21, 1980, 3:59 p.m.
Doc. No. 808925

Monday, December 1, 1980, 9 a.m. The Liquefied Petroleum Gas Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 South IH 35, Austin. According to the agenda, the division will consider the director's report.

Information may be obtained from Guy G. Matthews, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1189.

Filed November 21, 1980, 3:58 p.m.
Doc. No. 808927

Monday, December 1, 1980, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 South IH 35, Austin. According to the agenda summary, the division will consider various matters falling within the Railroad Commission's oil and gas regulatory jurisdiction.

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

Filed November 21, 1980, 3:57 p.m.
Doc. No. 808928

Monday, December 1, 1980, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas makes an addition to the agenda of a meeting to be held in the first floor auditorium, 1124 South IH 35, Austin. The addition concerns consideration of a recommendation to the Federal Energy Regulatory Commission that the Lower Wilcox formation be designated as a tight formation under Section 107 of the Natural Gas Policy Act of 1978.

Information may be obtained from Priscilla M. Hubenak, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1275.

Filed November 21, 1980, 3:58 p.m.
Doc. No. 808929

Monday, December 1, 1980, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas makes additions to the agenda of a meeting to be held in the first floor auditorium, 1124 South IH 35, Austin. The additions concern consideration of category determinations under Sections 102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108 of the Natural Gas Policy Act of 1978.

Information may be obtained from Madalyn J. Girvin, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1273.

Filed November 21, 1980, 3:58 p.m.
Doc No. 808930

Monday, December 1, 1980, 9 a.m. The Transportation Division of the Railroad Commission of Texas will meet in Room 107, 1124 South IH 35, Austin. According to the agenda summary, the division will consider various matters falling within the Railroad Commission's transportation regulatory jurisdiction.

Information may be obtained from Owen T. Kinney, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1330.

Filed November 21, 1980, 3:59 p.m.
Doc No. 808931

Thursday, December 18, 1980, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas will meet at the Quality Inn, 2200 South IH 35, Austin, to conduct a statewide oil and gas hearing.

Information may be obtained from Harriett Perkins, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1297.

Filed November 21, 1980, 3:57 p.m.
Doc No. 808932

Texas Real Estate Commission

Monday, December 1, 1980, 9:30 a.m. The Texas Real Estate Commission will meet in Room 119 of the Stephen F. Austin Building, Austin. According to the agenda summary, the commission will consider the final action on amendments to rules, discuss proposed rules, hear staff reports, and meet in executive session.

Information may be obtained from Camilla S. Shannon, P.O. Box 12188, Austin, Texas 78711, (512) 475-4250.

Filed November 21, 1980, 8:07 a.m.
Doc No. 808885

School Land Board

Tuesday, December 2, 1980, 10 a.m. The School Land Board will meet in Conference Room 831 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will consider opening of the bids received for the small tracts sale under Senate Bill 42,

pooling applications; schedule and procedures for a April 7, 1981, oil, gas, and sulphur lease sale; resolution to the legislature concerning municipal annexation into Texas coastal waters; coastal public lands- easement applications; cabin permit applications; cabin permit transfer requests; cabin permit alteration requests; coastal public lands report- cabin permit renewals.

Information may be obtained from Linda Fisher, 1700 North Congress Avenue, Stephen F. Austin Building, Room 835, Austin, Texas 78701, (512) 475-2071.

Filed November 24, 1980, 2:52 p.m.
Doc No. 808963

State Securities Board

Friday, December 5, 1980, 9 a.m. The State Securities Board will meet at 1800 San Jacinto Street, Austin. According to the agenda summary, the board will consider the following previously published rules concerning—extension of the rule for investments of \$100,000 or more to Section 5.0, exemptions from registration for Canadian Securities and distributions made by liquidating trustees, clarification of restricted dealer registration for oil and gas interests, and adoption of form for use with Section 5.0(3). New proposals for rules will be reviewed concerning excessive options and warrants, loans to officers and directors of issuers, methods of payment of the \$100,000 required by Rule 065.05.00.009(11), and an exemption for issues sold entirely to nonresidents of Texas. In addition, a general update on agency operations will be presented.

Information may be obtained from Richard D. Latham, 1800 San Jacinto, Austin, Texas 78759, (512) 474-2233.

Filed November 24, 1980, 3:20 p.m.
Doc No. 808987

University of Texas

Saturday, November 29, 1980, 8:30 a.m. The Intercollegiate Athletics Council for Men of the University of Texas will meet in Room 219, Bellmont Hall, San Jacinto between 21st and 23rd Streets, Austin, to approve minutes and consider the Bluebonnet Bowl budget, extension of O U football contract by two years, committee reports, post-season activities, options, athletics facilities, licensing, and an executive session.

Information may be obtained from Hala Kauffman, P.O. Box 7399, Austin, Texas 78712, (512) 471-7318.

Filed November 24, 1980, 10:09 a.m.
Doc No. 808953

Texas A&M University

Monday, November 24, 1980, 1:30 p.m. The Committee for Academic Campuses of the Board of Regents of Texas A&M University made an emergency addition to the agenda of a meeting held in the MSC Annex, Texas A&M University, College Station. The addition concerned a report from Attorney General Mark White regarding academic programs of the system. The report was scheduled after agenda was prepared.

Information may be obtained from Robert G. Cherry, Texas A&M University, College Station, Texas, (713) 845-4334.

Filed: November 21, 1980, 3:51 p.m.
Doc. No. 808919

Tuesday, November 25, 1980, 8:30 a.m. The Board of Regents of Texas A&M University made an emergency addition to the agenda of a meeting held in the MSC Annex, Texas A&M University, College Station, to consider the appropriation of funds for attorney fees. The amount of the fee was not known until after the agenda was prepared.

Information may be obtained from Robert G. Cherry, Texas A&M University, College Station, Texas, (713) 845-4334.

Filed: November 21, 1980, 3:51 p.m.
Doc. No. 808920

Texas Tech University

Thursday, December 4, 1980, 10:30 a.m. The Health Affairs Committee of the Texas Tech University Health Sciences Center Board of Regents will meet in the board suite of the administration building, Lubbock. The committee will conduct an executive session and consider reports and review of administrative actions, liaison committee on LCME, medical practice insurance plan, and faculty recruitment.

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: November 24, 1980, 9:53 a.m.
Doc. No. 808973

Thursday, December 4, 1980, 11 a.m. and 2 p.m. The Academic and Student Affairs Committee of the Texas Tech University Health Sciences Center Board of Regents will meet in the board suite, Administration Building, Lubbock. According to the agenda, the board will meet in executive session; hear reports on and review administration actions; consider policy for honorary degrees; discuss addendums to affiliation agreements with St. Mary of the Plains Hospital relating to the departments of surgery, internal medicine, dermatology, and psychiatry.

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: November 24, 1980, 9:46 a.m.
Doc. No. 808962

Thursday, December 4, 1980, 11 a.m. and 2 p.m. The Academic and Student Affairs Committee of the Texas Tech University Board of Regents will meet in the board suite of the Administration Building, Lubbock. The committee will conduct an executive session and consider reports and review of administrative actions and policy for honorary degrees.

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: November 24, 1980, 9:45 a.m.
Doc. No. 808974

Thursday, December 4, 1980, 2 p.m. The Finance Committee of the Texas Tech University Health Sciences Center Board of Regents will meet in the Board of Regents Suite of the Administration Building, Lubbock. The committee will conduct an executive session and then consider the following matters: reports and review of administrative actions; delegation of board authority to authorize and approve expenditures from appropriated funds; recommendation of a resolution to be presented to the state legislature to raise the limit on the university center fee from \$10 to \$20.

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: November 24, 1980, 9:47 a.m.
Doc. No. 808976

Thursday, December 4, 1980, 2 p.m. The Campus and Building Committee of the Texas Tech University Board of Regents will meet in the board suite of the administration building, Lubbock. The committee will conduct an executive session and then consider the following matters: reports and review of administrative actions; approval of design development drawings and authority to proceed with contract for Petroleum Engineering Building renovation and addition; acceptance date for Jones Stadium structural renovation, Phase I; approval of contract and authority to receive bids on Wiggins Residence Complex energy grant (modification of heating, ventilation, and air conditioning in Chitwood and Weymouth Halls); appointment of project architect to develop contract documents and supervise upgrading of the primary electrical system in Gordon and Bledsoe Residence Halls; extension of sewage effluent contract between City of Lubbock and Texas Tech University; resolution and street dedication deed, and resolution and drainage easement for Quaker Avenue; relationship to research and training center in mental retardation and space arrangements related thereto; and update on Petroleum Engineering Building.

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: November 24, 1980, 9:45 a.m.
Doc. No. 808975

Thursday, December 4, 1980, 3 p.m. The Campus and Building Committee of the Texas Tech University Health Sciences Center Board of Regents will meet in the Board of Regents Suite of the Administration Building, Lubbock. The committee will conduct an executive session and review administrative actions.

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: November 24, 1980, 9:48 a.m.
Doc. No. 808977

Thursday, December 4, 1980, 3 p.m. The Finance Committee of the the Texas Tech University Board of Regents will meet in the Board of Regents Suite of the Administration Building, Lubbock. The committee will conduct an executive session and then consider the following matters: reports and

review of administrative actions; delegation of board authority to authorize and approve expenditures from appropriated funds; recommendation of a resolution to be presented to the state legislature to raise the limit on the university center fee from \$10 to \$20; airplane lease or purchase; employment of a consultant to determine potential value of oil leases under Thornton Estate; central heating and cooling plant No. 2 debt service payments; update on investments as of November 30, 1980; status of engineering and energy conservation study on cooling and heating air conditioning plant No. 2 and associate facilities; general liability insurance coverage and policies; and foundation audit.

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: November 24, 1980, 9:45 a.m.
Doc. No. 808978

Thursday, December 4, 1980, 3 p.m. The Finance Committee of the the Texas Tech University Board of Regents will meet in the Board of Regents Suite of the Administration Building, Lubbock. The committee will conduct an executive session and then consider the following matters: reports and review of administrative actions; delegation of board authority to authorize and approve expenditures from appropriated funds; recommendation of a resolution to be presented to the state legislature to raise the limit on the university center fee from \$10 to \$20; airplane lease or purchase; employment of a consultant to determine potential value of oil leases under Thornton Estate; central heating and cooling plant No. 2 debt service payments; update on investments as of November 30, 1980; status of engineering and energy conservation study on cooling and heating air conditioning plant No. 2 and associate facilities; discussion of general liability insurance coverage and policies; discussion of foundation audit; state auditor's letter; policy for use of automated teller machine on campus; proposed athletic physical education recreation facility

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: November 25, 1980, 9:03 a.m.
Doc. No. 808999

Thursday, December 4, 1980, 3:15 p.m. The Athletic Affairs Committee of the Texas Tech University Board of Regents will meet in the board suite of the administration building, Lubbock. The committee will conduct an executive session and consider reports and review of administrative actions.

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: November 24, 1980, 9:44 a.m.
Doc. No. 808979

Thursday, December 4, 1980, 4 p.m. The Public Affairs Development and University Relations Committee of the Texas Tech University Health Sciences Center Board of Regents will meet in the board suite of the administration building, Lubbock. The committee will conduct an executive session and then consider reports and review of administrative actions and a grant from the Don and Sybil Harrington Foundation, Amarillo.

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: November 24, 1980, 9:47 a.m.
Doc. No. 808981

Thursday, December 4, 1980, 4 p.m. The Public Affairs, Development, and University Relations Committee of the Texas Tech University Board of Regents will meet in the Board of Regents suite, Administration Building, Lubbock, for an executive session, and to hear reports on and review administrative actions.

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: November 24, 1980, 9:45 a.m.
Doc. No. 808982

Thursday, December 4, 1980, 5 p.m. The Executive Committee of the Texas Tech University Board of Regents will meet in the Board of Regents Suite, Administration Building, Lubbock, for an executive session, and to hear reports on and review administrative actions.

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: November 24, 1980, 9:44 a.m.
Doc. No. 808983

Thursday, December 4, 1980, 5 p.m. The Executive Committee of the Texas Tech University Health Sciences Center Board of Regents will meet in the Board of Regents Suite, Administration Building, Lubbock, for an executive session, and to hear reports on and review administrative actions.

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: November 24, 1980, 9:46 a.m.
Doc. No. 808984

Friday, December 5, 1980, 8:30 a.m. The Texas Tech University Board of Regents will meet in the Board of Regents Suite, Administration Building, Lubbock, for an executive session; to hear reports on and take action on minutes and items for ratification; and to consider matters concerning academic and student affairs, finance, and campus and building.

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: November 24, 1980, 9:44 a.m.
Doc. No. 808985

Friday, December 5, 1980, 8:30 a.m. and 11:50 a.m. The Texas Tech University Health Sciences Center Board of Regents will meet in the Board of Regents Suite, Administration Building, Lubbock, for an executive session: to hear reports on and take action on minutes and items for ratification; to consider matters concerning academic and student affairs, finance, public affairs, development and university relations, and health affairs.

Information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: November 24, 1980, 9:46 a.m.
Doc. No. 808986

Texas Turnpike Authority

Wednesday, December 3, 1980, 10:30 a.m. The Board of Directors of the Texas Turnpike Authority will meet in the main conference room on the 28th floor, Pennzoil Place, South Tower, Rusk and Louisiana Streets, Houston. According to the agenda summary, the board will consider the following items: approval of minutes of Board of Directors' meeting of October 16, 1980; award of renewal of insurance policies; final adoption of Dallas North Tollway and Mountain Creek Lake Bridge budgets for calendar year 1981; construction progress report on Houston Ship Channel Bridge project; proposal of McCall, Parkhurst, and Horton to serve as bond counsel for the Dallas North Tollway project; continuance of Peat, Marwick, Mitchell, and Co., as independent auditors for the Texas Turnpike Authority; and in executive session, pending or contemplated litigation, personnel matters, and purchase or value of real property.

Information may be obtained from Harry Kabler, P.O. Box 5547, Arlington, Texas 76011, (817) 261-3151.

Filed: November 24, 1980, 2:32 p.m.
Doc. No. 808994

Texas Water Commission

Monday, December 1, 1980, 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 applications for bond issues; use of surplus funds; escrow release; water quality permits, amendments, and renewals; water right application; amendment to certificate of adjudication; and the filing and setting of hearing dates.

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

Filed: November 20, 1980, 2:55 p.m.
Doc. No. 808873

Monday, December 15, 1980, 2 p.m. The Texas Water Commission will conduct a hearing in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin, on petition for organization of Southwest Travis County Municipal Utility District 1 containing 451 acres.

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

Filed: November 21, 1980, 11:07 a.m.
Doc. No. 8088898

Wednesday, January 14, 1981, 10 a.m. The Texas Water Commission will conduct a hearing in the commissioners courtroom of the Montgomery County Courthouse, Conroe. According to the agenda summary, the commission will consider an application by City of Conroe (Southwest Regional Plant) for an amendment to Permit 10008-02 in order to expand the existing sewage treatment facilities. The permit authorizes a discharge of two million gpd of treated domestic sewage effluent, and the city proposes to enlarge the facility to six million gpd and phase-out the city's southeast plant (Permit 10008-01) in Montgomery County.

Information may be obtained from John Sutton, P.O. Box 13087, Austin, Texas 78711, (512) 475-1468.

Filed: November 24, 1980, 11:08 a.m.
Doc. No. 808989

Thursday, January 15, 1981, 10 a.m. The Texas Water Commission will conduct a hearing in Annex I, Houston-Galveston Area Council, 3701 Alabama, Houston. According to the agenda summary, the commission will consider an application by City of League City, for a permit to authorize a discharge of 4.5 million gpd of treated domestic sewage effluent. The applicant proposes to construct a new facility to replace the city's main (Permit 10568-01) and Glen Cove (Permit 10568-02) sewage treatment plants in Galveston County.

Information may be obtained from John Sutton, P.O. Box 13087, Austin, Texas 78711, (512) 475-1468.

Filed: November 24, 1980, 11:08 p.m.
Doc. No. 808990

Thursday, January 15, 1981, 10 a.m. The Texas Water Commission will conduct a hearing in Annex I, Houston-Galveston Area Council, 3701 West Alabama, Houston. According to the agenda summary, the commission will consider an application by Intercontinental Refining, Inc., for a permit to authorize the discharge, at an intermittent, variable flow, of uncontaminated storm water from a refinery and marine dock, which are scheduled to begin operation in October 1981. The company plans to route all process waste water including domestic sewage and cooling tower blowdown to the Gulf Coast Waste Disposal Authority Bayport plant and has applied for a permit to regulate only storm water discharges in Harris County.

Information may be obtained from John Sutton, P.O. Box 13087, Austin, Texas 78711, (512) 475-1468.

Filed: November 24, 1980, 11:09 a.m.
Doc. No. 808991

Friday, January 16, 1981, 10 a.m. The Texas Water Commission is rescheduling a hearing to be conducted in Room 618 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin, on Application 4079—permit of Jessie M. Reed to divert and use 230 acre-feet of water from the impounded waters of six reservoirs on unnamed tributaries of Spring Creek and Spring Creek, tributary of Meridian Creek, tributary of North Bosque River, tributary of Bosque River, tributary of Brazos River, Brazos River Basin, for irrigation purposes in Bosque County.

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

Filed: November 24, 1980, 2:59 p.m.
Doc. No. 808992

Regional Agencies

Meetings Filed November 20, 1980

The Central Texas Health Systems Agency, Inc., Board of Directors, will meet in the Tiara Room of the Hilton Inn, 6000 Middle Fiskville Road, Austin, on December 16, 1980, at 6:30 p.m. Information may be obtained from Keith Markley, 55 North IH 35, Suite 202, Austin, Texas 78702, (512) 478-9889.

The Brazos Higher Education Authority, Inc., Board of Directors, met at 716 Lake Air Drive, Waco, on November 25, 1980, at 11 a.m. The Brazos Higher Education Service Corporation, Inc., Board of Directors, met at the same time and place. Information may be obtained from Murray Watson, Jr., 716 Lake Air Drive, Waco, Texas 76710, (817) 772-7900.

Doc. No. 808874

Meetings Filed November 21, 1980

The Central Texas Manpower Consortium, Private Industry Council, met at the Hele Mai Restaurant, River Forest Motel, Belton, on November 24, 1980, at 7 p.m. Information may be obtained from Billy Don Everett, P.O. Box 706, Belton, Texas 76513, (817) 939-1837.

The Concho Valley Council of Governments, Executive Committee, met at 5002 Knickerbocker Road, San Angelo, on November 26, 1980, at 7 p.m. Information may be obtained from James F. Ridge, 5002 Knickerbocker Road, San Angelo, Texas 76901, (915) 944-9666.

The Lubbock Regional MHMR Center met at 1210 Texas Avenue, Lubbock, on November 25, 1980, at 4:30 p.m. Information may be obtained from Gene Menefee, 1210 Texas Avenue, Lubbock, Texas 79401, (806) 763-4213.

The Northeast Texas Health Systems Agency, Executive Committee, will meet at Marshall Civic Center, 2501 East End Boulevard, South, Marshall, on December 2, 1980, at 7 p.m. Information may be obtained from Bayard S. Galbraith, Suite 201, 505 East Travis Street, Marshall, Texas 75670, (214) 938-8331.

The Palo Pinto Appraisal District met at 603 South Oak, Mineral Wells, on November 26, 1980, at 3:30 p.m. Information may be obtained from Harold H. Quillen, 100 Southeast 5th Street, Mineral Wells, Texas 76067, (817) 325-6871.

Doc. No. 808893

Meetings Filed November 24, 1980

The Bell Central Appraisal District will meet in the second floor court room, Bell County Courthouse, Belton, on December 3, 1980, at 7 p.m. Information may be obtained from Tolly Moore, P.O. Box 390, Belton, Texas 76513, (817) 939-3521, ext. 294.

The Bexar-Medina-Atascosa Counties Water Improvement and Control District 1, Board of Directors, will meet at the district office, Natalia, on December 1, 1980, at 8 a.m. Information may be obtained from Clifford Mueller, P.O. Box 180, Natalia, Texas 78059, (512) 663-2132.

The Ellis County Tax Appraisal District held an emergency meeting at 411 Gibson Street, Waxahachie, on November 25, 1980, at 7 p.m. Information may be obtained from Gray Chamberlain, 411 Gibson Street, Waxahachie, Texas 75165, (214) 937-3552.

The Panhandle Ground Water Conservation District 3, Board of Directors, will meet in the Panhandle Ground Water Conservation district office, 300 South Omohundro Street, White Deer, on December 1, 1980, at 7:30 p.m. Information may be obtained from Richard S. Bowers, Box 637, White Deer, Texas 79097, (806) 883-2501.

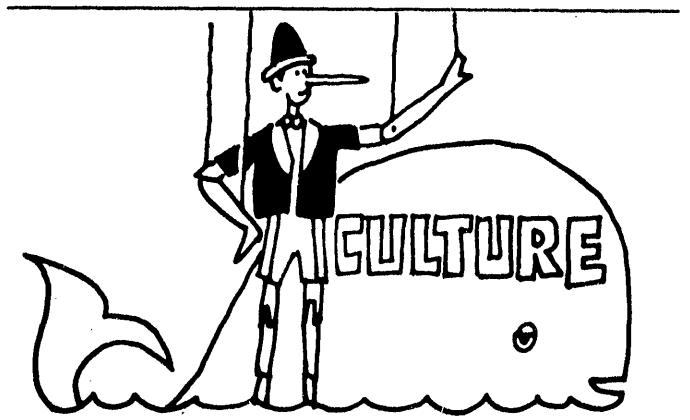
The Tri-Region Health Systems Agency, West Central Texas Subarea Advisory Council, will meet in the community room of the First National Bank, 401 Cypress, Abilene, on December 3, 1980, at 7 p.m. The Project Review will meet in Room 500, Memorial Auditorium, 1300 7th Street, Wichita Falls, on December 4, 1980, at 7 p.m. Information may be obtained from Bob Caras and Glenda Curtis, respectively, 2642 Post Oak Road, Abilene, Texas 79605, (915) 698-9481.

Doc. No. 808993

Meetings Filed November 25, 1980

The South Texas Health Systems Agency, Lower Rio Grande Valley Subarea Advisory Council, will meet at Rode-way Inn, Expressway and Mile 2-W, Mercedes, on December 4, 1980, at 7:30 p.m. Information may be obtained from Fidel Pizana, Station 1, Box 2378, Kingsville, Texas 78363, (512) 595-5545.

Doc. No. 809001



Texas Air Control Board Amended Request for Proposal

The Texas Air Control Board (TACB) previously invited interested parties to submit technical proposals concerning assessment of significant VOC emissions not covered by existing TACB regulations. The request for proposal was published in the November 11, 1980, issue of the *Texas Register* (5 TexReg 4515). The last day of receipt of offers is changed to December 12, 1980.

Issued in Austin, Texas, on November 21, 1980.

Doc. No. 808902 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Filed: November 21, 1980, 2:19 p.m.
For further information, please call (512) 451-5711.

Mobay Chemical Corp., Baytown; coal handling facilities—coal-fired boiler project; West Bay Road; 8613; new source

Mobay Chemical Corp., Baytown; coal-fired boiler 1—coal-fired boiler project; West Bay Road; 8614; new source

Mobay Chemical Corp., Baytown; coal-fired boiler 2—coal-fired boiler project; West Bay Road; 8615; new source

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

Doc. No. 808871 Ramon Dasch
Director of Hearings
Texas Air Control Board

Filed: November 20, 1980, 2:29 p.m.
For further information, please call (512) 451-5711, ext. 354.

Applications for Construction Permits

Notice is given by the Texas Air Control Board of applications for construction permits received during the period of November 10-14, 1980.

Information relative to these applications, including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the Central Office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

A copy of all material submitted by the applicant is available for public inspection at the Central Office of the Texas Air Control Board at the address stated above and at the regional office for the air quality control region within which the proposed facility will be located.

Listed are the name of the applicant and the city in which the facility is located; type of facility; location of the facility (if available); permit number; and type of application—new source or modification.

Week Ending November 14, 1980

Texaco, Inc., Amarillo; crude unit; 315 South Grand; 8604; new source

Southwest Quikrete, Inc., Liberty; rotary dryer, bagging equipment, cement truck unloading silo; Highway 90 West; 8605; new source

Crystal Chemical Co., Houston; cacodylic acid plant; 3502 Rogerdale Road; 8606; new source

Gulf Star Foundries, Inc., Corpus Christi; electric induction furnace, 240 McCampbell Road; 8607; new source

Flintkote Co., Ennis; asphalt saturator emission control change, address unavailable; 8608; new source

Conoco Chemicals Co., Bay City; high density polyethylene plant; address unavailable; 8609; new source

Sid Richardson Carbon and Gasoline Co., Kermit; selectox sulfur recovery unit; address unavailable; 8610; new source

AMF Tuboscope, Inc., Houston; coating manufacture; 2835 Holmes Road; 8611; new source

State Board of Dental Examiners

Notice of Position Vacancy

The State Board of Dental Examiners, a state agency, is accepting applications for the position of executive director.

Qualifications. Five years experience in municipal, state, or federal government at the executive level of administration or equivalent; graduate of an accredited four-year college or university; possesses a background in investigative procedures and a knowledge of the state legislative and legal processes; skills in oral and written communication are essential.

Contact. Applicants should submit their resume to the State Board of Dental Examiners, Attention: Assistant Director, 718 Southwest Tower, 7th and Brazos, Austin, Texas 78701, (512) 475-2443.

Closing Date. Closing date is December 1, 1980. The State Board of Dental Examiners is an equal opportunity employer.

Issued in Austin, Texas, on November 21, 1980.

Doc. No. 808904 Donald B. Wilson
Assistant Executive Director
State Board of Dental Examiners

Filed: November 21, 1980, 1:41 p.m.
For further information, please call (512) 475-2443.

Texas Energy and Natural Resources Advisory Council

Contract Awards

Texas Tech University

The Texas Energy and Natural Resources Advisory Council furnishes the following notices of contract awards.

Description of Study. To develop a simple experimental technique to characterize the kinetic parameters and transport properties of lignite gasification, and to build a data base of Texas lignite's kinetic parameters (activation energies and frequency factors of the various reactions) and transport properties (effective thermal and mass diffusivities).

Contractor; Total Value; Period of Contract. The contractor is Texas Tech University, Department of Chemical Engineering, Lubbock, Texas 79409. The total value of the contract is \$24,019. The beginning date of the contract is November 18, 1980, and the ending date of the contract is August 31, 1981.

Due Dates for Reports. Progress reports are due the 10th of each month; an interim report is due May 1, 1981; a draft final report is due August 31, 1981; and a final report is due October 31, 1981.

Doc. No. 808939

Description of Study. To investigate the effects of leaching of hazardous constituents in lignite ash piles by rain and acid rain. The data would aid in the selection of control technology for the treatment of the water run-offs from lignite ash piles.

Contractor; Total Value; Period of Contract. The contractor is Texas Tech University, Center for Energy Research, Box 4670, Lubbock, Texas 79409. The total value of the contract is \$15,039. The beginning date of the contract is November 19, 1980, and the ending date of the contract is August 31, 1981.

Due Dates for Reports. Progress reports are due the 10th of each month; an interim report is due May 1, 1981; a draft final report is due August 31, 1981; and a final report is due October 31, 1981.

Issued in Austin, Texas, on November 21, 1980.

Doc. No. 808941 Roy R. Ray, Jr., Director
Technology Development Division
Texas Energy and Natural Resources
Advisory Council

Filed: November 24, 1980, 9:41 a.m.

For further information, please call (512) 475-5588.

General Land Office

Approval of Rate Schedule

On November 14, 1980, the commissioner of the General Land Office approved a new rate schedule for instruments for the use of state owned land in the coastal area pursuant to Sections 51.121, 51.291, and 51.292 of the Texas Natural Resources Code. This schedule allows for a single set of rates for pipelines on both coastal public lands and gulf lands and provides clarity of rates for various activities with statutory references. This is the first such rate change since March 1976. The new schedule is effective November 28, 1980.

Copies of the schedule may be obtained by writing or telephoning the Coastal Division, Land Resources Program, General Land Office, 1700 North Congress, Austin, Texas 78701, (512) 475-1539 or 475-1166.

Issued in Austin, Texas, on November 21, 1980.

Doc. No. 808903 Bob Armstrong
Commissioner
General Land Office

Filed: November 21, 1980, 1:32 p.m.

For further information, please call (512) 475-1166.

Harris County Appraisal District

Public Hearing

The Board of Directors of the Harris County Appraisal District held a public hearing on the proposed budget for the district for the year 1981 on November 24, 1980, at 2 p.m., in Conference Room F, Region IV Education Service Center, 1750 Seamist, Houston.

Any and all persons desiring to be heard on any matter relating to the proposed budget were afforded the opportunity to be heard.

Issued in Houston, Texas, on November 10, 1980.

Doc. No. 808894 Eugene Sheppard, Secretary
Board of Directors
Harris County Appraisal District

Filed: November 21, 1980, 9:21 a.m.

For further information, please call (713) 861-2530.

Texas Health Facilities Commission

Applications for Declaratory Ruling, Exemption Certificate, and Transfer and Amendment of Certificate

Notice is hereby given by the Texas Health Facilities Commission of application (including a general project description) for declaratory ruling, exemption certificate, transfer of certificate, and amendment of certificate accepted November 21, 1980.

Should any person wish to become a formal party to any of the above-stated applications, that person must file a request to become a party to the application with the chairman of the commission within 25 days after the application is accepted. The first day for calculating this 25-day period is the first calendar day following the date of acceptance of the application. The 25th day will expire at 5 p.m. on the 25th consecutive day after the date said application is accepted. If the 25th day is a Saturday, Sunday, or state holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, or state holiday. A request to become a party should be mailed to the chairman of the commission, P.O. Box 15023, Austin, Texas 78761, and must be received at the commission no later than 5 p.m. of the last day allowed for filing of a request to become a party.

The contents and form of a request to become a party to an application for a declaratory ruling, exemption certificate, transfer of certificate, or amendment of certificate must meet the minimum criteria set out in Rule 315.20.01.050. Failure of a party to supply the minimum necessary information in the correct form will result in a defective request to become a party and such application will be considered uncontested.

The fact that an application is uncontested will not mean that it will be approved. The application will be approved only if the commission determines that it qualifies under the criteria of Sections 3.02 or 3.03 of Article 4418(b), Texas Revised Civil Statutes, and Rules 315.17.04.010-.030, Rules 315.17.05.010-.030, Rules 315.18.04.010-.030, and Rules 315.18.05.010-.030.

In the following list, the applicant and date of acceptance are listed first, the file number second, the relief sought third, and description of the project fourth. EC indicates exemption certificate, DR indicates declaratory ruling, TR indicates transfer of ownership of certificate, AMD indicates amendment of certificate, and CN indicates certificate of need.

Hospital in the Pines, Inc., Lone Star (11/21/80)
AH80-1103-049

EC—Renovation of an unused area of the hospital containing 520 square feet, to provide a birthing suite and also a gift shop

Fort Worth Western Hills Nursing Home, Fort Worth
(11/21/80)

AN79-0928-026A(111880)

AMD/CN—To amend Certificate of Need AN79-0928-026 to increase the project cost an additional \$95,000 and extend the completion deadline from January 7, 1981, to March 1, 1981 (the certificate of need authorizes the construction of an addition containing 60 skilled beds to the existing facility)

Home Health-Home Care, Inc., Orange (11/21/80)
AS80-0114-025A(112080)

AMD/CN—Request to amend Certificate of Need AS80-0114-025 to change the location of the subunit from 310 West Oaklawn Drive in Pleasanton to 220 Goodwin Street in Pleasanton

Mother Frances Hospital, Tyler (11/21/80)
AH80-1105-011

EC—To acquire and operate a replacement Siemens Scintiview computer console and low energy mobile camera for use in the nuclear medicine department

Psychiatric Institute of Houston, Houston (11/21/80)
AH79-0221-007A(111880)

AMD/CN—To amend Certificate of Need AH79-0221-007 by increasing the project cost; increasing the gross area to be constructed; substituting a new corporation PIH, Inc., as a general partner; and extending the completion deadline from June 28, 1981, to a date which allows 14 months from the date of ground breaking (the certificate of need authorizes the construction of a 100-bed psychiatric hospital in Houston)

Harris Hospital—Methodist, Fort Worth (11/21/80)
AH80-1118-030

EC—To acquire a lifeline personal emergency response system for its emergency medical services department

Westgate Hospital and Medical Center, Denton
(11/21/80)

AH80-1117-007

EC—To extend existing cardiac rehabilitation services to outpatients and purchase an additional EKG telemetry monitoring unit, a treadmill, six bicycle ergometers, and a rowing machine

Colonial Hospital, Terrell (11/21/80)

AH80-1117-013

EC—Replace a nurse-call system and an emergency generator and purchase a new oxygen and vacuum system for the hospital

Nix Memorial Hospital, San Antonio (11/21/80)
AH80-1117-040

EC—To acquire a hemodialysis machine for acute care use of inpatients only

Issued in Austin, Texas, on November 24, 1980.

Doc. No. 808940

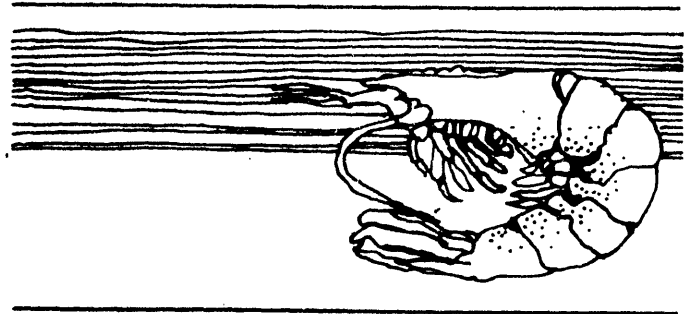
Linda E. Zatopek

Assistant General Counsel

Texas Health Facilities Commission

Filed: November 24, 1980, 9:50 a.m.

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



Texas State Board of Medical Examiners

Correction of Error

Four sections adopted by the Texas State Board of Medical Examiners appearing in the November 4, 1980, issue of the *Texas Register* (5 TexReg 4319) contained an error in the TAC numbering scheme as published in that issue. Sections 193.1-193.4 (386.18.00.001-.004) should be numbered as §§195.1-195.4 (386.18.00.001-.004) wherever reference appears to these sections.

State Board of Morticians

Correction of Error

A new section adopted by the State Board of Morticians appearing in the August 12, 1980, issue of the *Texas Register* (5 TexReg 3241) contained an error in the TAC numbering scheme as published in that issue. Section 203.16 (387.02.00.016) should be numbered as §203.15 (387.02.00.016) wherever reference appears to that section.

Office of the Secretary of State

Texas Register Division

Notice of Schedule Variation

In view of the Thanksgiving holiday on Thursday, November 27, the *Texas Register* will not be published on December 2, 1980. Regular issues of the *Register* will resume with the issue dated December 5, 1980. Deadlines for submission of documents for publication in the December 5 issue are 10 a.m. Monday, December 1 (all copy except notices of open meetings), and 10 a.m. Tuesday, December 2 (open meeting notices).

Revised Publication Schedule for the *Texas Register*

As a result of §91.113 (004.65.08.003) amended by the Texas Register Division of the Secretary of State's Office to be effective August 26, 1980 (5 TexReg 3124), the following publication schedule for the month of December 1980 supersedes any previous schedule published for this period. 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 Monday and Tuesday of the week of publication. Please note that the noon deadlines have been changed to 10 a.m. An asterisk beside a publication date indicates that the deadlines have been moved. The *Texas Register* will not be published on December 2 and December 30.

FOR ISSUE PUBLISHED ON:	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M. ON:	ALL NOTICES OF OPEN MEETINGS BY 10 A.M. ON:
Tuesday, December 2	NO ISSUE PUBLISHED	Tuesday, December 2
Friday, December 5	Monday, December 1	Thursday, December 4
Tuesday, December 9	Wednesday, December 3	Tuesday, December 9
Friday, December 12	Monday, December 8	Thursday, December 11
Tuesday, December 16	Wednesday, December 10	Tuesday, December 16
Friday, December 19	Monday, December 15	Thursday, December 18
Tuesday, December 23	Wednesday, December 17	Tuesday, December 23
Friday, December 26	Monday, December 22	
Tuesday, December 30	NO ISSUE PUBLISHED	

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

Wednesday-Friday, December 24-26 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 Water Commission

Applications for Waste Discharge Permits

Notice is given by the Texas Water Commission of public notices of waste discharge permit applications issued during the period of November 17-21, 1980.

No public hearing will be held on these applications unless an affected person who has received notice of the applications has requested a public hearing. Any such request for a public hearing shall be in writing and contain (1) the name, mailing address, and phone number of the person making the request; (2) a brief factual statement of the nature of the interest of the requester and an explanation of how that interest would be affected by the proposed action; and (3) the names and addresses of all persons whom the requester represents. If the commission determines that the request sets out legal or factual questions within the jurisdiction of the commission and relevant to the waste discharge permit decision, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 45 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by writing Larry R. Soward, assistant chief hearings examiner, Texas Water Commission, P.O. Box 13087, Capitol Station, Austin, Texas 78711, telephone (512) 475-1311.

Listed are the name of the applicant and the city in which the facility is located; type of facility; location of the facility; permit number; and type of application—new permit, amendment, or renewal.

Week Ending November 21, 1980

Borden Chemical, division of Borden, Inc., Diboll; synthetic resin manufacturing facility; 100 West Borden Drive in Angelina County; 01726; amendment

Robert E. Nesmith (Sunflower East Mobile Home Park), Houston; domestic sewage facility; northeast corner of the Camp Sterling site, southeast of Baytown in Chambers County; 11442-01; renewal

Lakliv, Inc., Baytown; domestic sewage facility; north of Horsepen Bayou in Chambers County; 10990-01; renewal

Everest Minerals Corp., Corpus Christi; in situ uranium mining plant; northeast of Hebbronville in Duval and Jim Hogg Counties; 02441; new permit

Avalon Water Supply and Sewer Service Corp., Avalon; domestic sewage facility; 1,900 feet southwest of FM Road 55 and State Highway 34 in Ellis County; 11022-01; renewal

Todd Shipyards, Corp., Galveston division; domestic sewage facility; southwest corner of Pelican Island, south of Broadner Street and Pelican Boulevard in Galveston County; 10942-01; renewal

City of Malakoff; domestic sewage facility; southwest of Malakoff and FM Road 90 in Henderson County; 10738-01; renewal

General Telephone Company of the Southwest, Baytown; domestic sewage facility; North Main Street, north of Baytown in Harris County; 11296-01; renewal

The Ryland Group, Inc., Houston; sewage treatment plant; west of Hardy Road, north of the City of Houston, Harris County; 12320; new permit

Drilco, Inc., division of Smith International, Inc., Houston; waste water treatment facilities; 16740 Hardy Street in Harris County; 02453; new permit

Elva Weiman and Mable Weiman, Houston; domestic sewage treatment plant; adjacent to Horsepen Bayou in Harris County; 12310; new permit

Beamon Strong, Harlan Crow, and Thomas D. Simmons, Jr., Houston; waste water treatment facilities; 7700 North Loop East (I-610) in Harris County; 12319; new permit

Mitchell W. Martin, doing business as Stonehenge Utility District, Houston; domestic sewage treatment plant; northeast of Conroe in Montgomery County; 11710-01; renewal

Holly Farms of Texas, Inc., Center; sludge waste treatment plant; 1019 Shelbyville Street in Shelby County; 02064; amendment

The Fort Worth Boat Club, Fort Worth; domestic sewage facility; Boat Club Road, north of Fort Worth city limits in Tarrant County; 11123-01; renewal

Hicks Field Sewer Corp., Fort Worth; domestic sewage facility; north of Big Fossil Creek and FM Road 156 in Tarrant County; 11297-01; renewal

Marshalsea Industries, Inc., doing business as Spinks Industries, Inc., Fort Worth; domestic sewage facility; FM Road 1187, south of Fort Worth in Tarrant County; 10790-01; renewal

Issued in Austin, Texas, on November 21, 1980.

Doc. No. 808912 Mary Ann Hefner
Chief Clerk
Texas Water Commission

Filed: November 21, 1980, 3:23 p.m.

For further information, please call (512) 475-1311.



TAC Titles Affected in This Issue

The following is a list of the chapters of each title of the *Texas Administrative Code* affected by documents published in this issue of the *Register*. The listings are arranged in the same order as the table of contents of the *Texas Administrative Code*.

TITLE 1. ADMINISTRATION

Part IV. Office of the Secretary of State

1 TAC §87.43 (004.50.04.011)	4783
1 TAC §93.21 (004.70.02.001)	4786
1 TAC §§93.31-93.34 (004.70.03.001-.004)	4786
1 TAC §§95.11, 95.12 (004.75.02.001, .002)	4786
1 TAC §§95.21-95.23 (004.75.03.001-.003)	4786
1 TAC §95.43 (004.75.05.003)	4786
1 TAC §95.51 (004.75.06.001)	4786

TITLE 13. CULTURAL RESOURCES

Part I. Texas State Library and Archives Commission

13 TAC §§1.44, 1.47, 1.51, 1.58, 1.60 351.20.04.004, .007, .011, .018, .020)	4787
13 TAC §1.51 (351.20.04.011)	4788

TITLE 22. EXAMINING BOARDS

Part XI. State Board of Nurse Examiners

22 TAC §211.5 (388.01.00.005)	4783
-------------------------------------	------

Part XXII. Texas State Board of Public Accountancy

22 TAC §§481.1, 481.2 (401.02.00.001, .002)	4788
22 TAC §§483.1-483.15 (401.06.00.001-.015)	4788
22 TAC §485.1 (401.07.00.001)	4788
22 TAC §§487.1-487.5 (401.08.00.001-.005)	4788
22 TAC §§489.1-489.23 (401.10.00.001-.023)	4788
22 TAC §491.1 (401.11.00.001)	4788
22 TAC §493.1 (401.12.00.001)	4788
22 TAC §495.1 (401.12.00.001)	4789
22 TAC §497.1 (401.14.00.001)	4789
22 TAC §§499.1-499.25 (401.15.00.001-.025)	4789

TITLE 28. INSURANCE

Part I. State Board of Insurance

Noncodified (059.05.55.001)	4811
-----------------------------------	------

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department

31 TAC §§59.271-59.279 (127.40.15.001-.009)	4789
31 TAC §65.77 (127.70.01.376)	4790

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

34 TAC §1.8 (026.01.01.008)	4790
34 TAC §3.91 (026.02.06.044)	4790
34 TAC §3.165 (026.02.23.005)	4784

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part VII. Texas Commission on Law Enforcement Officer Standards and Education

37 TAC §211.80 (210.01.02.010)	4791
37 TAC §211.81 (210.01.02.011)	4792

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Noncodified (326.25.21.001)	4782
Noncodified (326.25.31.001)	4782
Noncodified (326.25.34.020)	4782
Noncodified (326.25.35.011)	4782
Noncodified (326.25.53.016)	4782
Noncodified (326.35.03.003)	4792
Noncodified (326.35.10.001)	4793
Noncodified (326.35.11.001-.013)	4793
Noncodified (326.35.11.014-.022)	4793
Noncodified (326.35.12.001, .002)	4795
Noncodified (326.35.13.001-.005)	4795
Noncodified (326.35.13.006-.011)	4795
Noncodified (326.35.14.001, .002)	4796
Noncodified (326.35.14.003)	4797
Noncodified (326.35.14.005-.015)	4797
Noncodified (326.35.15.001-.006)	4798
Noncodified (326.35.15.007)	4798
Noncodified (326.35.16.001-.004)	4798
Noncodified (326.35.16.005-.012)	4798
Noncodified (326.35.17.001-.003)	4799
Noncodified (326.35.17.004-.013)	4799
Noncodified (326.35.18.001-.004)	4800
Noncodified (326.35.18.005-.014)	4800
Noncodified (326.35.19.001, .002, .004, .006, .007)	4802
Noncodified (326.35.19.008-.011)	4802
Noncodified (326.35.20.001-.006)	4803
Noncodified (326.35.20.007-.010)	4803
Noncodified (326.35.21.001-.004)	4804
Noncodified (326.35.21.006)	4804
Noncodified (326.35.21.010-.020)	4804
Noncodified (326.35.22.001, .002)	4805
Noncodified (326.35.22.003)	4805
Noncodified (326.35.23.001-.005)	4805
Noncodified (326.35.23.006-.013)	4805
Noncodified (326.35.24.004, .005)	4806
Noncodified (326.35.25.010-.026)	4806
Noncodified (326.35.26.001-.003)	4808
Noncodified (326.35.28.001)	4808
Noncodified (326.35.29.001-.009)	4808
Noncodified (326.35.30.001-.036)	4809
Noncodified (326.35.30.037-.050)	4809

Table of TAC Titles

TITLE 1. ADMINISTRATION
TITLE 4. AGRICULTURE
TITLE 7. BANKING AND SECURITIES
TITLE 10. COMMUNITY DEVELOPMENT
TITLE 13. CULTURAL RESOURCES
TITLE 16. ECONOMIC REGULATION
TITLE 19. EDUCATION
TITLE 22. EXAMINING BOARDS
TITLE 25. HEALTH SERVICES
TITLE 28. INSURANCE
TITLE 31. NATURAL RESOURCES AND CONSERVATION
TITLE 34. PUBLIC FINANCE
TITLE 37. PUBLIC SAFETY AND CORRECTIONS
TITLE 40. SOCIAL SERVICES AND ASSISTANCE
TITLE 43. TRANSPORTATION
