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TEXAS REGISTER

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TEXAS DOCUMENTS

In This Issue...

Proposed Rules of the Air Control Board

Proposed Rules of the Board of Dental Examiners

Proposed Rules of the Department of Public Welfare



Pages 291 - 324
Volume 1, Number 10, February 6, 1976
Office of the Secretary of State

NOTES ON THE ISSUE

Aged, blind, and disabled Texans will be the recipients of a new health care program designed to bring medical and social services to the homes of eligible clients. The guidelines for the program are included in the proposed rules of the Department of Public Welfare.

Other rules proposed in this issue are those of the Peer Review and Grievance Committee of the Board of Dental Examiners, which specify the counties comprised by each Area Committee in Texas and outline procedures for handling disputes between dentists and their patients. The issue also includes procedural rules proposed by the Texas Air Control Board.

The Advisory Council for Technical-Vocational Education is conducting a series of impact conferences across the state to evaluate local vocational needs and programs. The schedule for those conferences is published in the "In Addition" section of this issue.

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

Artwork: Gary Thornton

TEXAS REGISTER



Mark White
Secretary of State

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Requests for Opinions

- 294 *Summary of Request for Opinion RQ 1313*
- 294 *Summary of Request for Opinion RQ 1314*

Opinions

- 294 *Summary of Opinion No. H-771*
- 294 *Summary of Opinion No. H-772*

Proposed Rules

Texas Air Control Board

- 295 *Procedural Rules*

State Board of Dental Examiners

- 304 *Rules and Regulations of the Dental Peer Review/Grievance Committee*

State Department of Public Welfare

- 307 *Comprehensive Home Health Care*
- 317 *Services for Aged, Blind, and Disabled*

Open Meetings

- 319 *Advisory Commission on Intergovernmental Relations*

319 *State Banking Board*

319 *Coordinating Board, Texas College and University System*

319 *Texas Commission for the Deaf*

320 *State Board of Dental Examiners*

320 *Texas Education Agency*

320 *Texas State Board of Landscape Architects*

320 *Texas Board of Licensure for Nursing Home Administrators*

320 *Board of Physical Therapy Examiners*

320 *Division of Planning Coordination*

321 *Railroad Commission of Texas*

321 *State Securities Board*

321 *Public Utility Commission of Texas*

321 *Texas Water Rights Commission*

322 *Quasi-State Agencies*

In Addition

Advisory Council for Technical-Vocational Education in Texas

323 *Impact Conferences*

Requests for Opinions

Summary of Request for Opinion RQ 1313

Request for Opinion sent to Attorney General's Opinion Committee by Bevington Reed, Commissioner, Coordinating Board, Texas College and University System, Austin.

Summary of Request: Is the Coordinating Board Policy that terminated professors receive either substantial notice or severance pay constitutional?

Issued in Austin, Texas, on January 26, 1976.

Doc No. 760632 C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

Filed: January 29, 1976, 4:37 p.m.

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

Summary of Request for Opinion RQ 1314

Request for Opinion sent to Attorney General's Opinion Committee by Wilson E. Speir, Director, Texas Department of Public Safety, Austin.

Summary of Request: When a driver's license suspension is probated under Section 22, Article 6687b, Texas Civil Statutes, and the probation is to be revoked shortly before the probationary period is to expire, is the date which tolls the running of the probationary period:

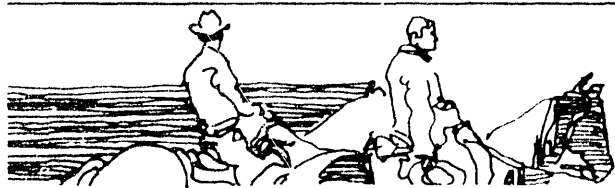
- (1) the date of the commission of the offense which forms the basis for the motion to revoke;
- (2) the date of the conviction for that offense;
- (3) the date the licensee is notified of the revocation hearing; or
- (4) the date of the revocation hearing?

Issued in Austin, Texas, on January 26, 1976.

Doc No. 760633 C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

Filed: January 29, 1976, 4:37 p.m.

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



Opinions

Summary of Opinion No. H-771

Request from Bevington Reed, Commissioner, Coordinating Board, Texas College and University System, Austin, concerning the authority of out-of-state educational institutions to conduct courses leading to degrees without the permission of the Coordinating Board.

Summary of Opinion: In areas where the United States has obtained exclusive jurisdiction, out-of-state institutions of higher education may conduct courses at federal military bases without the express permission of the Coordinating Board. On military bases over which the United States has not acquired exclusive jurisdiction, the Coordinating Board is nevertheless without authority to regulate the activities of such educational institutions unless the deed of cession to the federal government specified that the cession was made subject to any subsequent act of the Legislature.

Issued in Austin, Texas, on January 26, 1976.

Doc No. 760634 C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

Filed: January 29, 1976, 4:07 p.m.

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

Summary of Opinion No. H-772

Request from Bevington Reed, Commissioner, Coordinating Board, Texas College and University System, Austin, and Grover E. Murray, President, Texas Tech University, Lubbock, concerning whether certain university groups are required to hold open meetings.

Summary of Opinion: A meeting of a group of employees such as the general faculty of a state college or university is not covered by the Open Meetings Act.

Under the facts presented here, the Texas Tech Athletic Council is not required to conduct its meetings under the dictates of the Open Meetings Act so long as it has no supervision or control, actual or implied, over public business or policy. If it in actuality supervises or controls public business or policy, it must comply with the mandate of the Act and in that instance its members may be subject to the sanctions of the Act for any failure to comply.

Issued in Austin, Texas, on January 27, 1976.

Doc. No. 760635 C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

Filed: January 29, 1976, 4:37 p.m.

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

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

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

Texas Air Control Board

Procedural Rules

General 131.02.01

The Texas Air Control Board proposes to adopt Rules 131.02.01.001-005, inclusive, setting forth the object of its Procedural Rules, the method of filing with the agency, the method of giving notice, the method of computing time under the rules, and defining "person" as used in the rules. These rules were adopted by the Texas Air Control Board on December 4, 1975, after two public hearings, filed with the Secretary of State on December 9, 1975, and refiled as existing rules on January 8, 1976. Because there is some question with regard to the legal validity of rules adopted in the month of December, 1975, and not effective as of January 1, 1976, the Board intends to re-adopt these rules after publication in the *Texas Register* in accordance with the Administrative Procedure and Texas Register Act.

Public comment on the proposed rules is invited. Comments may be submitted by telephoning the office of Pamela Giblin, Director of the Legal Division, at (512) 451-5711, or by writing to Pamela Giblin, Director of Legal Division, Texas Air Control Board, 8520 Shoal Creek Boulevard, Austin, Texas 78758. Comments will be accepted until March 9, 1976.

These rules are proposed under the authority of Article 6252-13a, Texas Civil Statutes, and Article 4477-5, Texas Civil Statutes.

.001. Object of Rules. The object of these rules is to provide for a system for practice before the Texas Air Control Board or agency hearings examiners. These rules are designed to supplement the statutory provisions of the Texas Clean Air Act, Article 4477-5, Vernon's Annotated Civil Statutes, and the Administrative Procedure and Texas Register Act, Article 6252-13a, Vernon's Annotated Civil Statutes. Therefore, the practices and procedures

provided for therein which are not specifically included in these rules shall be applicable to practice before the Texas Air Control Board. Further, if any of the provisions of these rules should conflict with any provision of either the Texas Clean Air Act or the Administrative Procedure and Texas Register Act, the statutory provisions shall control.

.002. Filing with Agency. Wherever these rules require the filing of any document with the Board, the Executive Director, the hearing examiner, or other employee of the Board, such document is to be addressed to the appropriate person and mailed or delivered to the central office of the Texas Air Control Board, located at 8520 Shoal Creek Boulevard, Austin, Texas 78758. Documents required to be filed with the hearing examiner may be delivered personally.

.003. Effective Time of Notice. Notice or notification, when such terms are used in these Procedural Rules, shall be effective when postmarked for delivery by first class or a higher class mail at the address reflected in the records of the Texas Air Control Board.

.004. Computation of Time. In computing any period of time prescribed or allowed in these rules, the day on which the designated period begins shall not be included. The last day of the period is to be included unless it is a Saturday, a Sunday, or a legal holiday, as provided in Article 4591, Vernon's Annotated Civil Statutes, as amended, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or legal holiday.

.005. Person Defined. Person shall have the same meaning as set out in Section 1.03 of the Texas Clean Air Act.

Issued in Austin, Texas, on January 30, 1976.

Doc. No 760644 Charles R. Barden, P.E.
Executive Director
Texas Air Control Board

Proposed Date of Adoption March 19, 1976

For further information, please call (512) 451-5711



Public Hearings-- General 131.02.02

The Texas Air Control Board proposes to adopt Rules 131.02.02.001-.002 defining the four primary types of hearings held by the agency and providing for a notice list for public hearings. These rules were adopted by the Texas Air Control Board on December 4, 1975, after two public hearings, filed with the Secretary of State on December 9, 1975, and refiled as existing rules on January 8, 1976. Because there is some question with regard to the legal validity of rules adopted in the month of December, 1975, and not effective as of January 1, 1976, the Board intends to re-adopt these rules after publication in the *Texas Register* in accordance with the Administrative Procedure and Texas Register Act.

Public comment on the proposed rules is invited. Comments may be submitted by telephoning the office of Pamela Giblin, Director of the Legal Division, at (512) 451-5711, or by writing to Pamela Giblin, Director of Legal Division, Texas Air Control Board, 8520 Shoal Creek Boulevard, Austin, Texas 78758. Comments will be accepted until March 9, 1976.

These rules are proposed under the authority of Article 6252-13a, Texas Civil Statutes, and Article 4477-5, Texas Civil Statutes.

.001. Types of Hearings The Texas Air Control Board hearings are primarily of four types:

(1) Variance hearing. This type shall be called by the Board or the Executive Director pursuant to Section 3.21 et seq., of the Texas Clean Air Act as a result of the filing of a petition for variance. In accordance with Section 3.22(d) of the Texas Clean Air Act, the Board deems it advisable to hold a public hearing prior to the decision on any requested variance. Therefore, upon the filing of a proper petition, the Executive Director shall proceed to set a date for a hearing on the petition, which date shall not be more than ninety (90) days after the date the petition is filed. Notice of the hearing shall be given as required by Section 3.17 of the Texas Clean Air Act and Section 13 of the Administrative Procedure and Texas Register Act. A petition for variance shall be considered to be in proper form if it identifies the person seeking the variance; identifies the particular rule or provision of the Texas Clean Air Act from which a variance is sought; identifies the source of air contaminants which is the subject of the petition, including information on the nature and amount of emissions from the source, if available, and the location of the source; and includes a short and plain statement of the grounds upon which the relief is sought. Forms to assist in the filing of a petition are available upon request but are not mandatory.

(2) Compliance hearing. This type may be called by the Board or the Executive Director whenever it appears that any provision of the Texas Clean Air Act or any rule, regulation, determination, or order of the Board is being violated or will be violated. A compliance hearing



shall be called prior to the issuance of any agency orders with respect to the source pursuant to Sections 3.12, 3.13, and 3.20(b) of the Texas Clean Air Act. Notice of the hearing shall be given as required by Section 3.17 of the Texas Clean Air Act and Section 13 of the Administrative Procedure and Texas Register Act.

(3) Permit hearing. This type may be called by the Board or the Executive Director when either deems it appropriate to examine into an application for permit to construct or operate filed pursuant to Sections 3.27 or 3.28 of the Texas Clean Air Act prior to action on the application by the Executive Director or the Board. Notice of the hearing shall be given as required by Section 3.17 of the Texas Clean Air Act and Section 13 of the Administrative Procedure and Texas Register Act.

(4) Regulation hearing. This type shall be called by the Board or the Executive Director prior to adoption of any rule or regulation or amendment or repeal thereof except an emergency rule which may be adopted pursuant to Rule 131.02.03.001. This type of hearing may be called prior to adoption, repeal, or amendment of the Texas Implementation Plan submitted to the Federal Environmental Protection Agency. This type of hearing is solely for the purpose of allowing any interested person to comment on any proposed rule or regulation and plan change. Any interested person may submit testimony into the record of this type of hearing either orally or in writing. Since there are no parties in this type of hearing, a summary of all written and oral comments received at the hearing shall be reported to the Board by an appropriate member of the staff. No hearing examiner's report shall be made. Notice of this type of hearing shall be given as required by Section 3.09 of the Texas Clean Air Act and Section 5 of the Administrative Procedure and Texas Register Act.

.002. Notice List. The Executive Director shall maintain a mailing list of all persons who request personal notice of public hearings of this agency. Any person requesting to be placed on such list shall be mailed notice of each public hearing as it is called at the address provided to the Executive Director. This notice is in addition to the legal notice requirements of the Texas Clean Air Act and

of the Administrative Procedure and Texas Register Act for the purpose of encouraging public participation in the hearing process.

Issued in Austin, Texas, on January 30, 1976.

Doc. No. 760645 Charles R. Barden, P.E.
Executive Director
Texas Air Control Board

Proposed Date of Adoption: March 19, 1976

For further information, please call (512) 451-5711.

Rulemaking Hearings 131.02.03

The Texas Air Control Board proposes to adopt Rules 131.02.03.001-.004 setting forth procedures for adoption of emergency regulations, petitioning for the adoption of rules, and petitioning for an explanation of a rule. These rules were adopted by the Texas Air Control Board on December 4, 1975, after two public hearings, filed with the Secretary of State on December 9, 1975, and refiled as existing rules on January 8, 1976. Because there is some question with regard to the legal validity of rules adopted in the month of December, 1975, and not effective as of January 1, 1976, the Board intends to re-adopt these rules after publication in the *Texas Register* in accordance with the Administrative Procedure and Texas Register Act.

Public comment on the proposed rules is invited. Comments may be submitted by telephoning the office of Pamela Giblin, Director of the Legal Division, at (512) 451-5711, or by writing to Pamela Giblin, Director of Legal Division, Texas Air Control Board, 8520 Shoal Creek Boulevard, Austin, Texas 78758. Comments will be accepted until March 9, 1976.

These rules are proposed under the authority of Article 6252-13a, Texas Civil Statutes, and Article 4477-5, Texas Civil Statutes.

.001. Emergency Regulations. If the Board finds that an imminent peril to the public health, safety, or welfare requires adoption of a rule on fewer than thirty (30) days' notice and states in writing its reasons for that finding, the Board may proceed without prior notice or hearing or on any abbreviated notice and hearing that it finds practicable to adopt an emergency rule.

.002. Petition for Adoption of Rules. Any interested person may petition the Texas Air Control Board requesting the adoption of a rule. Such requests shall be made by a petition filed with the Executive Director. The petition shall be considered to be in proper form if it identifies the person seeking the adoption of a rule, states a text of the proposed rule, and contains a justification of the proposed rule in narrative form with sufficient particularity to inform the Board and any interested party of the facts upon which the applicant relies. Within fifteen (15) days of the

filing of the petition, the Executive Director shall notify the petitioner in writing of his disposition of the petition. If the petition is denied, a copy of the petition and a statement of the reasons for denial shall be furnished to all members of the Board at the time they are mailed to the petitioner. Unless the Board acts within forty-five (45) days of the date of the denial, the decision of the Executive Director shall become final. If the petition is granted, the Executive Director shall initiate rulemaking procedures within sixty (60) days after submission of the petition.

.003. Request for Explanation of a Rule. Any interested person may request the Board to issue a concise statement of the principal reasons for and against the adoption of a proposed rule and the reasons for overruling the considerations urged against this adoption by filing such request with the Executive Director before the adoption of the rule or within thirty (30) days after adoption.

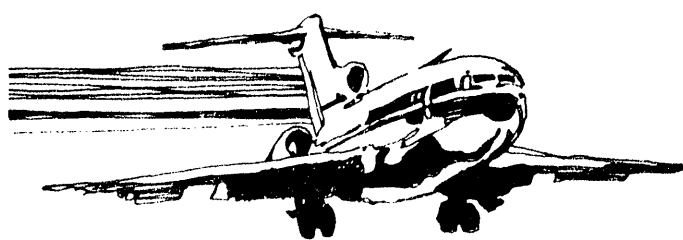
.004. Explanation of a Rule. If a request is made pursuant to Rule 131.02.03.003, the Board shall issue, within sixty (60) days following the adoption of the proposed rule, a concise statement of the principal reasons for and against the adoption of the proposed rule and the reasons for overruling the considerations urged against its adoption.

Issued in Austin, Texas, on January 30, 1976.

Doc. No. 760646 Charles R. Barden, P.E.
Executive Director
Texas Air Control Board

Proposed Date of Adoption: March 19, 1976

For further information, please call (512) 451-5711.



Initiation of Other than Rulemaking Hearings 131.02.04

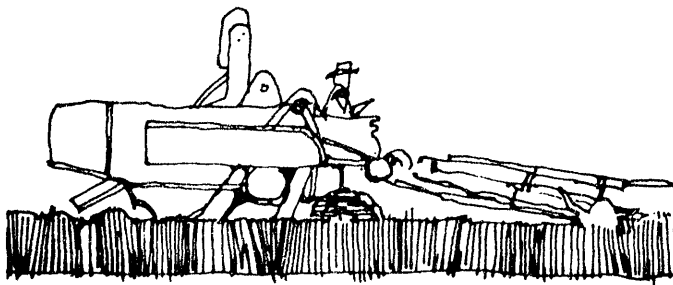
The Texas Air Control Board proposes to adopt Rules 131.02.04.001-.004 setting forth a procedure for requesting hearings other than rulemaking hearings and establishing a docket of hearings. These rules were adopted by the Texas Air Control Board on December 4, 1975, after two public hearings, filed with the Secretary of State on December 9, 1975, and refiled as existing rules on January 8, 1976.

Because there is some question with regard to the legal validity of rules adopted in the month of December, 1975, and not effective as of January 1, 1976, the Board intends to re-adopt these rules after publication in the *Texas Register* in accordance with the Administrative Procedure and Texas Register Act.

Public comment on the proposed rules is invited. Comments may be submitted by telephoning the office of Pamela Giblin, Director of the Legal Division, at (512) 451-5711, or by writing to Pamela Giblin, Director of Legal Division, Texas Air Control Board, 8520 Shoal Creek Boulevard, Austin, Texas 78758. Comments will be accepted until March 9, 1976.

These rules are proposed under the authority of Article 6252-13a, Texas Civil Statutes, and Article 4477-5, Texas Civil Statutes.

.001. Calling the Hearing. A hearing may be called any time the Board or its Executive Director determines a hearing to be required by law or to be appropriate with respect to administering the provisions of the Texas Clean Air Act or the rules, regulations, orders, or other actions of the Board. In addition, any interested person may petition the Executive Director to call and hold a public hearing.



.002. Petition for Hearing Other than a Petition for the Adoption of Rules. A petition for hearing other than for the adoption of rules shall be made by filing in writing with the Executive Director a plain and concise statement of the purpose of the request and the action requested by the agency as a result of the hearing.

.003. Action on Request for a Hearing. After reviewing the petition and any other factors he deems necessary, the Executive Director shall decide whether to call a public hearing and provide written notification of his decision to the petitioner within thirty (30) days after the receipt of the petition. The decision of the Executive Director to deny a request for hearing is appealable to the Board within thirty (30) days after notification of the decision. Such appeal is to be taken by written notification to the Executive Director. Rule 131.02.06.001 should be consulted for the method of requesting Board action on the appeal.

.004. Docket of Hearings. As each hearing is called, the Executive Director shall designate it by consecutive numbers, called hearing number, and shall keep a record which will show in convenient form the number of the hearing, the place and time of the hearing, the names of attorneys, the names of all parties to the hearing, the nature of the hearing, and all subsequent proceedings in the matter with the dates thereof.

Issued in Austin, Texas, on January 30, 1976.

Doc. No. 760647 Charles R. Barden, P.E.
Executive Director
Texas Air Control Board

Proposed Date of Adoption: March 19, 1976

For further information, please call (512) 451-5711.

Adjudicative Hearings 131.02.05

The Texas Air Control Board proposes to adopt Rules 131.02.05.001-.023 setting forth procedures for the orderly conduct of adjudicative hearings. These rules were adopted by the Texas Air Control Board on December 4, 1975, after two public hearings, filed with the Secretary of State on December 9, 1975, and refiled as existing rules on January 8, 1976. Because there is some question with regard to the legal validity of rules adopted in the month of December, 1975, and not effective as of January 1, 1976, the Board intends to re-adopt these rules after publication in the *Texas Register* in accordance with the Administrative Procedure and Texas Register Act.

Public comment on the proposed rules is invited. Comments may be submitted by telephoning the office of Pamela Giblin, Director of the Legal Division, at (512) 451-5711, or by writing to Pamela Giblin, Director of Legal Division, Texas Air Control Board, 8520 Shoal Creek Boulevard, Austin, Texas 78758. Comments will be accepted until March 9, 1976.

These rules are proposed under the authority of Article 6252-13a, Texas Civil Statutes, and Article 4477-5, Texas Civil Statutes.

.001. Contested Cases. All public hearings of the variance, compliance, or permit type, including appeals pursuant to Rule 131.02.07.001, are adjudicative hearings and are to be considered "contested cases" within the meaning of Section 3(2) of the Administrative Procedure and Texas Register Act and subject to the minimum requirements of Sections 13 through 19 of said Act.

.002. Hearing Examiner. A member of the staff of the Texas Air Control Board may be designated by the Executive Director as hearing examiner. In any adjudicative hearing, the examiner shall have no other duties concerning the hearing and shall be considered to be assisting the Board in its decision-making function. The examiner

must be one who has no duties with the agency of a prosecutorial nature and shall act independently of the staff in an impartial manner.

.003. Parties to the Hearing. The staff of the Texas Air Control Board and all persons named in the hearing notice are parties to the hearing. In any adjudicative hearing the notice shall set a time limit (not less than ten (10) days from the date the notice is issued by the Executive Director or the Board) within which any other interested persons may apply in writing to the hearing examiner to be admitted as a party to the hearing. No person shall be admitted as a party unless the written request is received in the office of the Texas Air Control Board in Austin, Texas, by the time set in the notice. The hearing examiner shall admit all interested persons who make timely application and shall so notify in writing the persons admitted. At the hearing only those persons admitted as parties will be permitted to present evidence and argument and to cross-examine witnesses. The Executive Director shall determine by whom and in what manner the staff will be represented at a hearing.

.004. Announcements. All persons who have qualified as parties pursuant to Rule 131.02.05.003, who have appeared at the prehearing conference(s), if any, under rule 131.02.05.006, and who desire to participate in a hearing as a party shall announce their presence orally to the hearing examiner at the commencement of the hearing.

.005. Rights of Parties. All parties to a hearing may appear in person or may be represented by an attorney or other individual. Any party shall have the right to request the issuance of a subpoena and to take depositions in conformance with Section 14 of the Administrative Procedure and Texas Register Act. Any costs incident to such prehearing discovery shall be paid by the party requesting the subpoenas or taking the depositions. The Executive Director shall have the authority to issue subpoenas and commissions necessary to effectuate the purposes of the Administrative Procedure and Texas Register Act. Hearings will be conducted in a manner the hearing examiner deems most suitable to the particular proceeding and the examiner shall determine the order of presentation by the parties. Where practicable, the examiner may align the parties as proponents and opponents and limit participation in a manner designed to allow equal representation of

the position of both the proponents and opponents. Parties or their representatives will be given the opportunity to present evidence, examine and cross-examine witnesses, and present oral argument.

.006. Prehearing Conference.

(1) The hearing examiner shall hold a prehearing conference prior to any adjudicative hearing. The conference may be held at any time prior to the hearing. The examiner shall set the time and location of the conference and give reasonable notice thereof to all parties. At the discretion of the examiner, persons other than parties may attend prehearing conferences. At the discretion of the examiner, additional prehearing conferences may be scheduled.

(2) At the prehearing conference, all parties shall submit the following:

- (a) a list of witnesses the party desires to testify and a brief summary of their prospective testimony;
- (b) a written statement of the disputed issues for consideration at the hearing;
- (c) if written statements are to be offered, a copy of each such statement; and
- (d) any other written testimony or evidence the party intends to use at the hearing.

(3) Witnesses and proposed written evidence may be added and narrative summaries of expected testimony amended at the hearing only upon a finding of the hearing examiner that good cause existed for failure to introduce the additional or amended material at the prehearing conference.

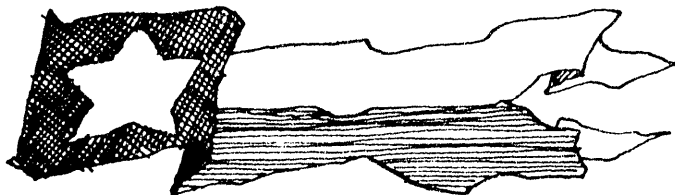
(4) At any prehearing conference, the hearing examiner;

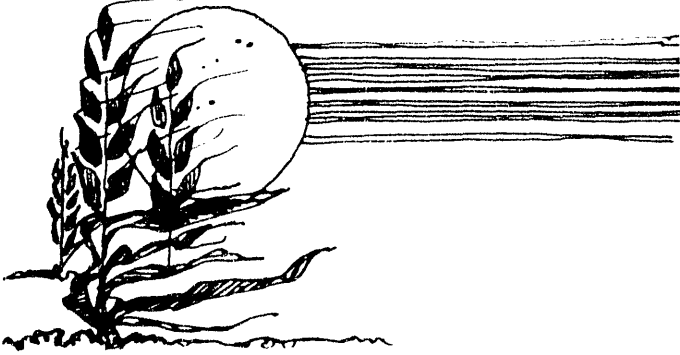
- (a) may obtain stipulations and admissions, and otherwise identify matters on which there is agreement;
 - (b) shall identify disputed issues for consideration at the hearing;
 - (c) may consider and rule upon objections to the introduction into evidence at the hearing of any written testimony, documents, papers, exhibits, or other materials;
 - (d) may identify matters of which official notice may be taken;
 - (e) may strike issues not material or not relevant;
- and

(f) may consider any other matter that may expedite the hearing or aid in the disposition of the matter.

(5) The results of any prehearing conference shall be summarized in writing by the hearing examiner and made part of the record.

.007. Continuance of Hearing at Prehearing Conference. At the prehearing conference, on his own motion or on the motion of any party on good cause shown, the hearing examiner may postpone the hearing for a later time. If the time and place for the hearing is not announced at the conference, notice of any further setting shall be mailed to the parties at a reasonable time prior to





the new setting. In that event, a member of the staff of the agency shall appear at the time and place set out in the original notice of hearing and announce publicly the postponement of the hearing and the new setting, if known. If the new setting is unknown, he shall so announce and request the names and mailing addresses of any persons who desire to have written notice of the new setting. The list of any persons desiring notice of the new setting will be transmitted to the examiner who will so notify the persons at the time he notifies the parties. The examiner may schedule an additional prehearing conference prior to the new setting on reasonable notice to all parties.

.008. *Continuance at Hearing.* Unless the hearing is postponed at the prehearing conference, the hearing examiner shall conduct the hearing at the time and place stated in the notice. The examiner may continue the hearing from time to time and from place to place without the necessity of publishing, serving, mailing, or otherwise issuing new notice. If the continuance of a hearing or the time and place therefor are not publicly announced by the examiner at the hearing before it is recessed, a notice of any further setting of the hearing shall be mailed to the parties and persons present who request such notice at a reasonable time prior to the new setting, but it is not necessary to publish a newspaper notice of the new setting.

.009. *Testimony.* The testimony presented at a hearing shall be confined to the subject matter designated in the notice. In contested cases, irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence as applied in nonjury civil cases in the district courts of this State shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible thereunder may be admitted, except where precluded by statute, if it is of a type commonly relied upon by prudent men in the conduct of their affairs. The examiner shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, if a hearing will be ex-

pedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

.010. *Limiting Oral Argument.* A reasonable time limit shall be set by the hearing examiner for any oral argument offered by the party.

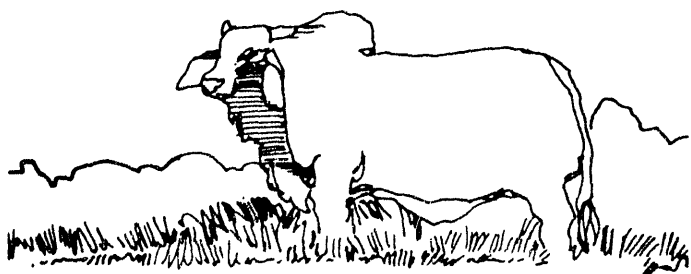
.011. *Return or Other Disposition of Exhibits.* In all hearings in which exhibits have been filed with the hearing examiner, the party so filing may, after action by the Board or the Executive Director and the time for an appeal of such action has expired without same having been perfected, request and obtain the return of same. If such request is not received within thirty (30) days after the time it becomes available, the staff is authorized to destroy or otherwise dispose of such exhibits.

.012. *The Record in a Contested Case.* The record in a contested case shall include:

- (1) all pleadings, motions, and intermediate rulings;
- (2) evidence received or considered;
- (3) a statement of matters officially noticed;
- (4) questions and offers of proof, objections and rulings on them;
- (5) proposed finding, exceptions and briefs;
- (6) any decision, opinion, or report by the officer presiding at the hearing;
- (7) all staff memoranda or data submitted to or considered by the hearing examiner or members of the agency who are involved in making the decision; and
- (8) summaries of the results of any prehearing conferences held in connection with the case.

.013. *Hearing Examiner's Report in Contested Cases.* The hearing examiner shall prepare a written report of the hearing summarizing the evidence adduced at the hearing, setting forth a proposed decision and the reasons therefor, and making findings of fact and conclusions of law necessary to the proposed decision as provided by Section 15 of the Administrative Procedure and Texas Register Act. A copy of such report and proposed decisions shall be served by the hearing examiner on each party. Copies shall be served on members of the Board at the time of service on the parties.

.014. *Exceptions and Briefs.* Any party may, within twenty (20) days after the date of mailing of a proposed decision, file with the Board and the hearing examiner exceptions to the proposed decision and relevant briefs by delivering or mailing fifteen (15) copies to the central office of the Texas Air Control Board, located at 8520 Shoal Creek Boulevard, Austin, Texas 78758. The points presented in all exceptions and briefs shall be concisely stated. The evidence in support of each point shall be summarized and any proposed findings of fact must be submitted at the time of filing exceptions and briefs. Complete citations to the page number of the record or exhibit shall be given. Briefs shall contain tables of contents and authorities.



Prior to the issuance of a proposed decision, briefs may be filed only when requested or permitted by the hearing examiner.

.015. Extension of Time for Exceptions or Briefs. Any request for extension of time within which to file exceptions or briefs shall be filed with the hearing examiner, and a copy thereof shall be served on all other parties by the party making such request. The examiner shall allow additional time only in extraordinary circumstances where the interest of justice so requires, and shall notify all parties of his decision on the request within five (5) days of its receipt.

.016. Waiver. The parties may, by written stipulation, waive the requirements of Section 15 of the Administrative Procedure and Texas Register Act by filing such stipulation with the hearing examiner prior to the mailing of the examiner's report and proposed decision.

.017. Notice of Board Consideration. At least ten (10) days' notice shall be given by the Executive Director to all parties to a hearing and to all persons on the mailing list described in Rule 131.02.02.002 of the time and place of the Board meeting at which the report of the hearing examiner will be considered by the Board.

.018. Evidence Before the Board. No person shall be allowed to introduce evidence before the Board at the meeting at which the report of the hearing examiner is considered. If it is shown that evidence is newly discovered evidence which was unavailable at the time of the hearing and is material to the matter presented for Board determination, or if the Board determines that there is insufficient evidence, the Board may assign the matter for further hearing; however, in no event will the final decision be delayed beyond 180 days after the hearing is finally closed.

.019. Oral Argument Before Board. Any party may request oral argument before the Board prior to the final decision in a proceeding, but oral argument shall be allowed only at the discretion of the Board. A request for oral argument may be incorporated in exceptions, briefs, or in separate pleadings.

.020. Final Decisions. All final decisions shall be by a majority of the Board and shall be in writing or stated in the record. A final decision shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. The decision shall also include a ruling on each proposed finding of fact submitted by a party. Parties not present at the announcement of a final decision shall be notified by mail of the decision. On written request, a copy of the decision or order shall be delivered or mailed to any party and his attorney of record.

.021. When Final; Motion for Rehearing. A decision is final, in the absence of a timely motion for rehearing, on the expiration of the period for filing a motion for rehearing, and is final and appealable on the date of rendition of the order overruling the motion for rehearing, or on the date the motion is overruled by operation of law. If the Board finds that an imminent peril to the public health, safety, or welfare requires immediate effect of a final decision or order in a contested case, it shall recite the finding in the decision or order, as well as the fact that the decision or order is final and effective on the date rendered in which event the decision or order is final and appealable on the date rendered and no motion for rehearing is required for appeal. In all other cases, a motion for rehearing is a prerequisite for appeal. Any motion for rehearing must be filed by any of the parties within fifteen (15) days after the date of rendition of a final decision or order. Replies to a motion for rehearing must be filed with the agency within twenty-five (25) days after the date of rendition of the final decision or order, and agency action on the motion must be taken within forty-five (45) days after the date of rendition of the final decision or order. If Board action is not taken within the 45-day period, the motion for rehearing is overruled by operation of law forty-five (45) days after the date of rendition of the final decision or order. The Board may, by written order, on its own initiative, or upon request of the parties, extend the period of



time for filing motions for rehearing and for acting thereon, except that an extension may not extend the period for Board action on a motion beyond ninety (90) days after the date of rendition of the final decision or order. In the event of an extension, if Board action is not sooner taken, the motion for rehearing is overruled on the date fixed by the order, or in the absence of a fixed date, ninety (90) days after the date of the final decision or order. The Board may rule on a motion for rehearing at a meeting or by mail, telephone, telegraph, or other suitable means of communication.

.022. Time for Final Decision. The final decision or order must be rendered within sixty (60) days after the date the hearing is finally closed; provided, however, that in a contested case heard by other than a majority of the Board, the final order or decision of the Board shall be issued no later than 180 days after the hearing is finally closed. Any such extension shall be announced by the hearing examiner at the conclusion of the hearing.

.023. Ex Parte Consultations. Unless required for the disposition of *ex parte* matters authorized by law, members of the Board or employees of the Board assigned to render a decision or to make findings of fact and conclusions of law in a contested case may not communicate, directly or indirectly, in connection with any issue of fact or law with any party or its representative, except on notice and opportunity for all parties to participate.

Issued in Austin, Texas, on January 30, 1976.

Doc. No. 760648 **Charles R. Barden, P.E.**
Executive Director
Texas Air Control Board

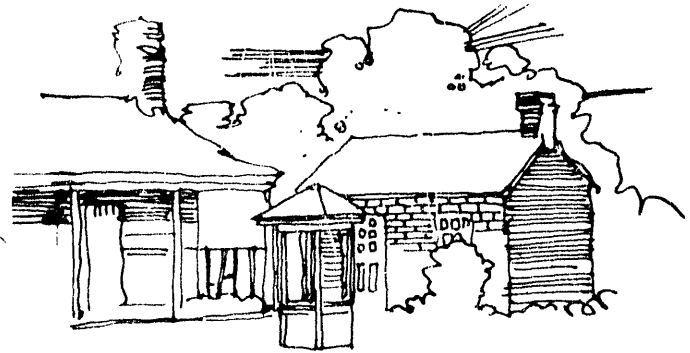
Proposed Date of Adoption: March 19, 1976

For further information, please call (512) 451-5711.

Board Agenda 131.02.06

The Texas Air Control Board proposes to adopt Rules 131.02.06.001-.004 setting forth procedures for presenting matters to the Texas Air Control Board. These rules were adopted by the Texas Air Control Board on December 4, 1975, after two public hearings, filed with the Secretary of State on December 9, 1975, and refiled as existing rules on January 8, 1976. Because there is some question with regard to the legal validity of rules adopted in the month of December, 1975, and not effective as of January 1, 1976, the Board intends to re-adopt these rules after publication in the *Texas Register* in accordance with the Administrative Procedure and Texas Register Act.

Public comment on the proposed rules is invited. Comments may be submitted by telephoning the office of Pamela Giblin, Director of the Legal Division, at (512) 451-5711, or by writing to Pamela Giblin, Director of Legal



Division, Texas Air Control Board, 8520 Shoal Creek Boulevard, Austin, Texas 78758. Comments will be accepted until March 9, 1976.

These rules are proposed under the authority of Article 6252-13a, Texas Civil Statutes, and Article 4477-5, Texas Civil Statutes.

.001. Request for Action by the Board. Any person who desires to have a matter placed on the agenda for action by the Texas Air Control Board shall make such request in writing to the Executive Director at least fifteen (15) days prior to the date set for the regular monthly meeting of the Board. In matters other than contested cases, the applicant shall provide, along with the request in writing, fifteen (15) copies of all information, data, or other material which the person desires the Board to consider. In the event it is not possible to file such request fifteen (15) days in advance of the meeting date, a request may be made for emergency action of the Board pursuant to Rule 131.02.06.002 below.

.002. Placing Matters on Agenda. The Executive Director shall determine after he receives any written request for action pursuant to Rule 131.02.06.001 whether the matter shall be heard at the time requested, having due regard for the nature and complexity of the matter to be presented. In no event shall any request pursuant to Rule 131.02.06.001 be placed on the agenda of the Board for its regular monthly meeting at a time later than ten (10) days prior to the date on which such meeting is scheduled, unless the Chairman, or the Vice Chairman in the event of the inability of the Chairman to act, acting on the advice of the Executive Director, determines that an emergency situation exists requiring immediate action by the Board.

.003. Public Hearing Prior to Presentation to Board. In the event the Executive Director determines that a public hearing is required by law or appropriate in order to more fully develop evidence bearing on the matter to be presented, he shall call and hold such hearing in the name of the Texas Air Control Board prior to presenting the matter for Board consideration.

.004. Presentation to Board Without Prior Public Hearing. If a matter which is not a contested case within the meaning of Section 3(2) of the Administrative Procedure and Texas Register Act is brought before the Board without prior public hearing, the Board may:

(1) hear and decide the matter with such time limitations on oral presentation as the Board deems necessary;

(2) postpone the matter for further hearing before the Board; or

(3) refer the matter for hearing before a hearing examiner who will report to the Board at a later time.

Issued in Austin, Texas, on January 30, 1976.

Doc. No. 760649 Charles R. Barden, P.E.
Executive Director
Texas Air Control Board

Proposed Date of Adoption: March 19, 1976

For further information, please call (512) 451-5711.

Miscellaneous 131.02.07

The Texas Air Control Board proposes to adopt Rules 131.02.07.001-.006 setting forth certain miscellaneous rules of procedure concerning the appeal of a permit action; the time for filing a petition for variance; the effect of the institution of a civil suit on a petition for variance; the effect of the invalidity of any of its procedural rules; and repealing Rules 16 and 19 of the General Rules of the Texas Air Control Board. These rules were adopted by the Texas Air Control Board on December 4, 1975, after two public hearings, filed with the Secretary of State on December 9, 1975, and refiled as existing rules on January 8, 1976. Because there is some question with regard to the legal validity of rules adopted in the month of December, 1975, and not effective as of January 1, 1976, the Board intends to re-adopt these rules after publication in the *Texas Register* in accordance with the Administrative Procedure and Texas Register Act.

Public comment on the proposed rules is invited. Comments may be submitted by telephoning the office of Pamela Giblin, Director of the Legal Division, at (512) 451-5711, or by writing to Pamela Giblin, Director of Legal Division, Texas Air Control Board, 8520 Shoal Creek Boulevard, Austin, Texas 78758. Comments will be accepted until March 9, 1976.

These rules are proposed under the authority of Article 6252-13a, Texas Civil Statutes, and Article 4477-5, Texas Civil Statutes.

.001. Appeal of Permit Action. Any person, including the applicant, affected by an action of the Executive Director under Sections 3.27 or 3.28 of the Texas Clean Air Act

may appeal to the Board by filing written notice of appeal with the Executive Director within thirty (30) days after the effective date of such action. The matter shall be considered a contested case within the meaning of Section 3(2) of the Administrative Procedure and Texas Register Act.

.002. Prerequisite to Judicial Appeal. Appeal to the Board in a manner prescribed in Rule 131.02.07.001 is a prerequisite to judicial appeal from any determination by the Executive Director pursuant to Sections 3.27 and 3.28 of the Texas Clean Air Act.

.003. Time for Filing Petition for Variance. In the event a compliance hearing is called to examine into the status of a particular source with regard to the Texas Clean Air Act or the rules and regulations of the Board, the source owner or operator must file with the Board a petition for variance prior to the commencement of said hearing in order to be entitled to have the Board consider the right to a variance with regard to the particular provisions of the Texas Clean Air Act or rules or regulations which are the subject of the hearing. Any order of the Board as a result of such hearing shall be deemed to have disposed of the issue of the right to a variance. Any petition for variance filed subsequent to the hearing shall be returned to the applicant without action by the staff or the Board unless the petition demonstrates that circumstances have so changed as to make it just and equitable to reopen the matter.

.004. Effect of Institution of Civil Suit on Petition for Variance. If the Board or the Executive Director, as authorized by the Board, should request the institution of a civil suit pursuant to Section 4.02 of the Texas Clean Air Act for violation of the Texas Clean Air Act or any rule, regulation, variance, or order of the Board prior to the time that the Board takes action on a petition for variance submitted with regard to the violations to be alleged in the suit, the petition for variance shall be returned to the applicant without further action.



.005. Effect of Invalidity of Rule. If a court of competent jurisdiction shall adjudge to be invalid or unconstitutional any rule, or portion thereof, contained herein, such judgment or decree shall not affect, impair, invalidate, or nullify the remainder of these rules, but the effect thereof shall be confirmed to the rule, or portion thereof, adjudged to be invalid or unconstitutional.

.006. Effective Date and Repeal. These rules shall be in effect immediately and shall repeal previous Rule 16 entitled "Invoking Jurisdiction of the Board" and Rule 19 entitled "Initiation of Review" in the General Rules of the Texas Air Control Board.

Issued in Austin, Texas, on January 30, 1976.

Doc. No. 760650 Charles R. Barden, P.E.
Executive Director
Texas Air Control Board

Proposed Date of Adoption: March 17, 1976

For further information, please call (512) 451-5711.

State Board of Dental Examiners

Rules and Regulations of the Dental Peer Review/Grievance Committee

Rules and Regulations of the Area Committee and State Appeals Committee 382.12.01

The State Appeals Committee of the Area Peer Review/Grievance Committees intends to adopt the hereinafter Rules and Regulations to provide for the procedure and operation of the area committees and of the State Appeals Committee to insure fair and impartial hearings in disputes or differences of opinion arising between licensed dentists, dental patients, and/or third party payors financially obligated to pay in whole or in part for dental treatment or dental services.

It is believed that the submitted rules will provide fair and impartial treatment to the citizens of the State of Texas, licensed dentists, and third party payors.

Those desiring to comment upon the proposed rules should direct their comments in writing to the Texas State Board of Dental Examiners, 718 Southwest Tower, Seventh and Brazos, Austin, Texas 78701, by March 1, 1976.

These rules are proposed under Senate Bill 529, Regular Session, 64th Legislature, 1975, Article 4551c-1, Revised Civil Statutes of Texas, 1925, as amended.

.001. Area. An area is composed of the several counties within the State of Texas as follows:

(a) Area 1-- Counties: Bowie, Delta, Hopkins, Morris, Titus, Cass, Franklin, Lamar, Red River;

(b) Area 2-- Counties: Chambers, Hardin, Jasper, Jefferson, Newton, Orange, Polk, San Jacinto, Tyler;

(c) Area 3-- Counties: Angelina, Camp, Cherokee, Gregg, Harrison, Marion, Nacogdoches, Panola, Rusk, Sabine, San Augustine, Shelby, Smith, Upshur, Van Zandt, Wood;

(d) Area 4-- Counties: Collin, Cooke, Denton, Fannin, Grayson, Hunt, Kaufman, Rains, Rockwall,

(e) Area 5-- Counties: Dallas;

(f) Area 6-- Counties: Anderson, Ellis, Freestone, Henderson, Hill, Leon, Limestone, Navarro;

(g) Area 7-- Counties: Austin, Brazos, Burleson, Grimes, Houston, Madison, Montgomery, Robertson, Trinity, Walker, Waller, Washington;

(h) Area 8-- Counties: Fort Bend, Harris, Liberty, Wharton;

(i) Area 9-- Counties: Brazoria, Galveston, Matagorda;

(j) Area 10-- Counties: Bastrop, Hays, Lee, Travis, Williamson;

(k) Area 11-- Counties: Bell, Bosque, Coryell, Falls, McLennan, Milam;

(l) Area 12-- Counties: Erath, Hood, Johnson, Palo Pinto, Parker, Somervell, Tarrant, Wise;

(m) Area 13-- Counties: Archer, Baylor, Clay, Foard, Hardeman, Jack, Knox, Montague, Throckmorton, Wichita, Wilbarger, Young;

(n) Area 14-- Counties: Aransas, Caldwell, Calhoun, DeWitt, Colorado, Fayette, Goliad, Gonzales, Guadalupe, Jackson, Karnes, Lavaca, Live Oak, Refugio, Victoria;

(o) Area 15-A-- Counties: Bee, Duval, Jim Wells, Kleberg, McMullen, Nueces, San Patricio;

(p) Area 15-B-- Counties: Brooks, Cameron, Hidalgo, Jim Hogg, Kenedy, Starr, Willacy, Zapata;

(q) Area 16-- Counties: Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Presidio, Terrell;

(r) Area 17-- Counties: Callahan, Comanche, Eastland, Fisher, Hamilton, Haskell, Jones, Mitchell, Nolan, Scurry, Shackelford, Stephens, Taylor;

(s) Area 18-- Counties: Armstrong, Briscoe, Carson, Castro, Childress, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler;

(t) Area 19-- Counties: Bailey, Borden, Cochran, Crosby, Dickens, Floyd, Garza, Hale, Hockley, Kent, King, Lamb, Lubbock, Lynn, Stonewall, Terry, Yoakum;

(u) Area 20-- Counties: Atascosa, Bandera, Bexar, Comal, Edwards, Frio, Kinney, Maverick, Medina, Real, Uvalde, Val Verde, Wilson, Zavala;

(v) Area 21-A-- Counties: Coke, Coleman, Crockett, Glasscock, Irion, Regan, Runnels, Schleicher, Sterling, Sutton, Tom Green;

(w) Area 21-B-- Counties: Blanco, Brown, Burnet, Concho, Gillespie, Kendall, Kerr, Kimble, Lampasas, Llano, Mason, McCulloch, Menard, Mills, San Saba;

(x) Area 21-C-- Counties: Andrews, Crane, Dawson, Ector, Gaines, Howard, Loving, Martin, Midland, Pecos, Reeves, Upton, Ward, Winkler;

(y) Area 23-- Counties: Dimmit, La Salle, Webb.

.002. *Area Committee.* An Area Committee is composed of the elected members to such committee from and by the Texas licensed dentists within such area.

.003. *Area Committee Officers.* Area Committee officers are elected by the Area Committee in the month of September of odd-numbered years following the election of new members to such committees and the officers shall be (1) a chairman, (2) a vice-chairman, and (3) a secretary, and (4) the state appeals member if he be other than one of the foregoing.

.004. *Area Committee Duties.* An Area Committee shall review and evaluate dental treatment and dental services in disputes involving licensed dentists, dental patients, and/or third party payors financially obligated to pay in whole or in part for dental treatment or dental services rendered. The Area Committee shall act as an arbitrator between said parties when requested to do so by all parties concerned.

.005. *Area Complaints.* When a person has a complaint within the jurisdiction of an Area Committee, he shall advise the Secretary of such committee in concise written form, stating the nature of such complaint, giving names, addresses, dates, and such other information as will enable the Secretary to determine if the committee has authority to hear such complaint.

.006. *Secretary's Duties.* The area Secretary shall keep a roster of all licensed dentists within his area, and shall make and keep records of the proceedings of the actions of the Area Committee and shall advise all parties concerned when complaints have been filed and determine if they are willing to submit their position concerning a particular complaint to the Area Committee for hearing and decision. When a party appeals the decision of an Area Committee, the Secretary of the Area Committee shall forward to the State Appeals Committee all records pertaining to such matters including the decision of the Area Committee.

.007. *Chairman and Vice-Chairman's Duties.* The Chairman shall preside at all Area Committee meetings if he is present; otherwise the Vice-Chairman shall preside. The Chairman (or the Vice-Chairman as the case may be) may appoint a member of the Area Committee (or a qualified person within the area) to determine certain facts, as a "consultant" or a "fact-finder," to bring his find-

ings to the Area Committee, when and if a hearing is had. In such instances, the "consultant" or "fact-finder" may not vote in the final determination of the matter before the Area Committee if he testifies as to his findings. The Chairman, with the approval of the Area Committee, may appoint subcommittees for specific duties.

.008. *Area Committee Quorum.* A majority of the Area Committee's members shall constitute a quorum and a majority of those present and voting shall govern all matters voted upon.

.009. *Forms and Procedure.* Forms are attached as exhibits to be used for notice, etc., and are suggested for uniformity; however, any written communication which clearly advises the other party or parties of the information required shall be deemed sufficient.

.010. *Time Factors-- Notice.* When matter or complaint is presented to an Area Committee for its determination, all parties shall be notified in writing, delivered in person, or mailed to the last known address of all parties, thirty (30) days before the hearing date and all such notices shall contain the date, time, and place of the hearing, including a copy of the complaint (or complaints) and the names and addresses of all of the parties involved.



.011. *Counsel.* All parties may be represented by legal counsel.

.012. *Waiver(s).* Upon agreement of all parties and the Area Committee, time factors may be waived.

.013. *Conduct of Hearings.* All hearings shall be conducted with proper decorum to the end that fair and reasonable presentation of the position(s) of the parties may be heard. Repetitious or frivolous presentations or arguments may be terminated by the Chairman with the assent of the Committee.

.014. *Position Papers or Briefs.* A party may present his position and argument orally, in writing, by exhibits, and/or by testimony of others.

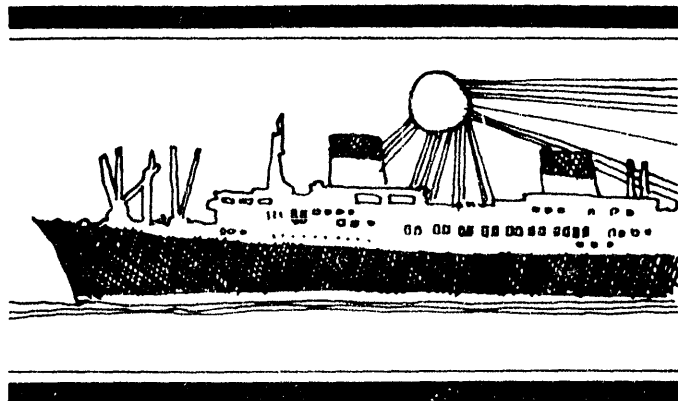
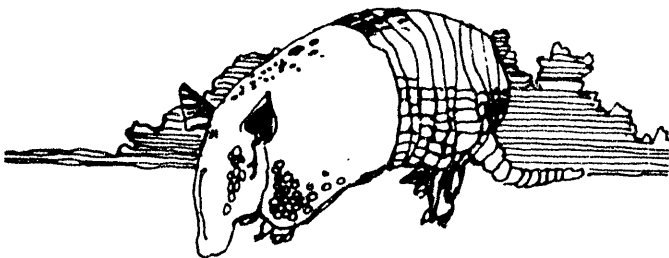
.015. *Decisions.* A majority of the membership of such committee present shall constitute a quorum and if a decision is not reached during such hearing(s) a mail or telephone ballot is authorized. Only those present and participating at the hearing may vote. The Area and State Appeals Committee shall render its decision in writing within thirty (30) days after final hearing, giving a statement of facts and its decision on the matter(s) presented. The decision shall be signed by those voting with the majority. Minority or dissenting opinions may also be filed.

.016. *Disqualification of a Member(s).* When a complaint involves a member of an Area or State Appeals Committee or where his participation would be unfair or prejudicial, such member, in the judgment and discretion of the majority of the remaining members of the committee, shall be disqualified to act as a committee member, and, the presiding officer of such committee may appoint a Texas licensed dentist as a substitute or alternate as a member of such committee for that particular case or complaint.

.017. *Tenure of Area Committee Members.* The number of members of an Area Committee shall be divisible by three (3), one-third to serve two (2) years, one-third to serve four (4) years, and one-third to serve six (6) years. The terms of each member shall be decided by lot at its first official meeting.

.018. *Vacancies.* Vacancies on an Area or State Appeals Committee caused by death, disability, resignation, or removal of residence or practice from the area where he was elected, shall be filled by appointment by the Chairman of the Area Committee for the balance of the unexpired term with the assent or approval of the majority of the Area Committee concerned.

.019. *Elections.* Elections for the places and the terms which will expire shall be held in such area at an accessible location at a time between 6 p.m., and 8 p.m., as determined and called by the then Area Chairman during the month of September in odd-numbered years. Notice of the time, date, and place of such election shall be given by publishing such notice once, not less than 20 days before and once not less than 10 days before the date of the election in a newspaper of general circulation within such area.



The Texas licensed dentists who are present at such elections may each have one vote and such elections shall be presided over by the Area Committee Chairman (or Vice-Chairman). A majority vote of those present and voting shall decide the persons who are elected.

.020. *Removal of a Committee Member.* An Area Committee member or its State Appeals Committee member may be removed for cause (in the discretion of the majority of the Texas dentists within that area). Any such intended action shall be had only after written charges have been mailed or delivered to all the Texas dentists in such area as provided hereinbefore, and after such notice published as required for an election. At such advertised date, time, and place, a majority present shall hear and determine whether or not such member shall be retained or removed. Such hearing shall be presided over by a temporary Chairman, elected at such meeting, and the procedure hereinbefore set out governing the Conduct of Hearings shall be followed.

.021. *State Appeals Committee Members.* A majority of the members of the State Appeals Committee shall constitute a quorum and a majority of those present and voting shall control. The rules governing Conduct and Hearings, including those pertaining to the right to legal counsel, shall be followed.

.022. *Tenure of State Appeals Committee Members.* A state Appeals Committee member elected by his Area Committee shall serve for two (2) years and may be reelected by his Area Committee in the same manner and at the same time as the election of the Area Committees.

.023. *Officers of the State Appeals Committee.* The State Appeals Committee members shall elect from its members, a Chairman, Vice-Chairman, Secretary, and such other officers as it deems advisable for a term of one year and they may be reelected.

.024. *Meetings of the State Appeals Committee.* The Chairman or a majority of the members may call a meeting of the State Appeals Committee at such times and places as deemed necessary to take care of the Committee's business.

.025. Funds-- Fees. All funds received shall be properly accounted for and the Committee may assess such reasonable fees against the party or parties appealing to it as it deems proper to aid the Committee to process and handle such appeal. No State Appeals Committee member shall receive any reimbursement from such assessed appeal fees for his time or expenses while serving as a member of such committee; however, the area which he represents may make such financial reimbursement to its State Appeals Committee member as it may provide.

.026. Records. The Secretary shall cause to be made and preserved all records of the State Appeals Committee and shall certify and transmit such records upon subpoena to the court of competent jurisdiction subpoenaing same.

.027. Effective Date. These Rules and any amendments hereto adopted by the State Appeals Committee shall be effective upon compliance with the provisions of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on January 30, 1976.

Doc. No. 760651 Carl C. Hardin, Jr.
Executive Director
State Board of Dental
Examiners

Proposed Date of Adoption: March 7, 1976

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

State Department of Public Welfare

Comprehensive Home Health Care General Program Information 326.47.01

The Department of Public Welfare is developing new concepts in the delivery of medical and social services for the care of eligible clients in their own homes known as the Comprehensive Home Care Program. Home Health Agencies and the Department of Public Welfare have developed guidelines for developing a program of services enabling aged, blind, and disabled (ABD) Texans to remain in their own homes.

During the comment period on these proposed rules the Department will also be testing operational aspects of this program in Dallas County and 15 counties of the Paris region. The adoption statewide of similar rules will depend in part upon the success of the program in the test areas.

A public hearing to consider these proposed rules is scheduled for February 20, 1976, 1 p.m., in Room 411 of the John H. Reagan Building in Austin, Texas. Persons or

groups wishing to make oral comments or public recommendations may do so at the hearing.

Written comments should be sent to: Susan Johnson, Administrator, Systems and Procedures Bureau-83, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701. Written comments will be accepted within 30 days of the date of this Register.

These rules are promulgated under the authority of Article 695c and Article 695j-1, Texas Revised Civil Statutes Annotated.

.001. Definitions. Included in this rule are definitions of terms and services which are included as a part of the Title XIX home health care benefits available under the Comprehensive Home Care Services Program.

(a) Continual Year. Twelve (12) successive months beginning with the first date a given recipient receives an authorized home health visit.

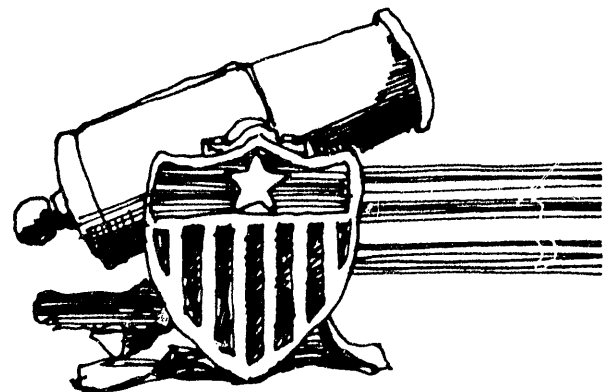
(b) Contractor. The Title XVIII certified home health agency which is providing Title XIX home health care benefits under the Comprehensive Home Care Services Program, through a contractual arrangement with the Department of Public Welfare.

(c) Department (DPW). The Texas State Department of Public Welfare.

(d) Home Health Aide. An individual who works under the supervision of a Registered Nurse and provides personal care services to a patient in accordance with a treatment plan prescribed by the attending physician. Home health aide services must be provided in accordance with the National Council of Homemaker/Home Health Aide Standards.

(e) Home Health Care. Provision of health care services under the direction of a physician to a sick or disabled person in his/her own home or place of residence, but not including as a residence a hospital, a skilled nursing facility, or an intermediate care facility.

(f) Medicaid. The popular term for the Medical Assistance Program administered by the Texas State



Department of Public Welfare under Title XIX of the Social Security Act.

(g) **Medical Assistance Recipient.** An individual who has been determined eligible to receive health benefits under the Texas Medical Assistance Program.

(h) **Medicare.** The popular term for the Federally administered health insurance program for the aged and disabled under Title XVIII of the Social Security Act.

(i) **Patient.** An individual who is in need of and receiving professional services directed by a licensed physician toward maintenance, improvement, or protection of health or alleviation of disability or pain.

(j) **Physical Therapy.** Services prescribed by a physician and provided to a patient by or under the supervision of a qualified physical therapist, who is a graduate of a program approved by the Council on Education of the American Medical Association in collaboration with the American Physical Therapy Association or its equivalent, and licensed by the State of Texas.

(k) **Physician.** A doctor of medicine or osteopathy who is duly licensed to practice in the State of Texas.

(l) **Professional Nurse.** A Registered Nurse or vocational nurse licensed by examination to practice in the State of Texas.

(m) **Project Nurse.** A Registered Professional Nurse employed in the DPW Comprehensive Home Care Services Program, working under the technical supervision of the medical director of the local medical assistance unit, Department of Public Welfare.

(n) **Project Physician.** The medical director of the local medical assistance unit, Department of Public Welfare.

(o) **Project Social Worker.** A medical social worker employed in the DPW Comprehensive Home Care Services Program, working under the technical supervision of the DPW regional administrator.

.002. *Delivery of Services.*

(a) The Department has established a program for the delivery of Comprehensive Home Care Services rendered under a contractual arrangement with selected community agencies.

(b) Through coordinated planning, evaluation, and follow-up procedures, this Program provides a comprehensive

range of health and social services for sick or disabled persons in their own homes, based on a patient's individual and changing needs.

(c) The Department is hopeful that a program of this nature will serve to prevent or postpone institutionalization, whether in a nursing home or hospital, and at the same time provide a less costly alternative for persons who can be taken care of at home.

(d) All of the Title XIX home health care services and the Titles IV-A and VI social services available under this Program require prior authorization for payment.

(e) The content of the manual deals specifically with Title XIX home health care services. It is hoped that this information will provide a good understanding of the benefits, and the policies and procedures that are necessary to ensure the appropriate utilization of services, and the purchase of high quality care on an individual case basis.

.003. *Provider Participation.*

(a) Provider participation in the Program is limited to selected home health agencies which are under contract with the Department to demonstrate the delivery of Comprehensive Home Care Services.

(b) The remaining home health agencies throughout the State which have existing provider agreements or contracts with the Department, will continue to receive reimbursement for the home health services normally available under and in accordance with the provisions of the State Plan for Medical Assistance.

.004. *Third Party Reimbursement.*

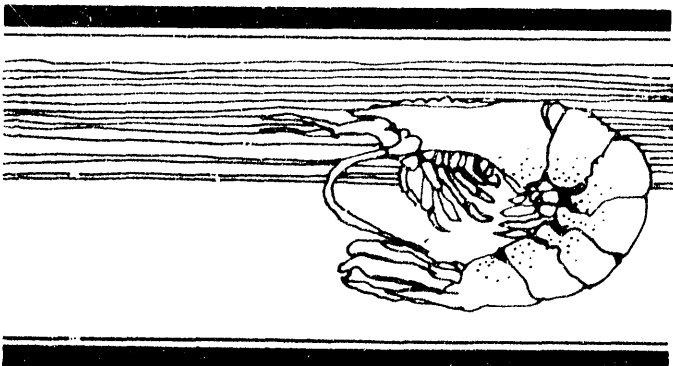
(a) The Federal law provides that Title XIX programs have secondary liability for medical costs. This means that if a recipient has Medicare, private insurance, Veterans, Champus, or any other third party coverage for medical expenses, the other party is the primary resource for payment of services. In the event a patient has such coverage, the provider must request reimbursement from the third party group.

(b) If Title XIX payments have already been received by a provider and it is learned that the recipient has a third party resource, then payment shall be sought from that source and the appropriate refund made to the Title XIX program.

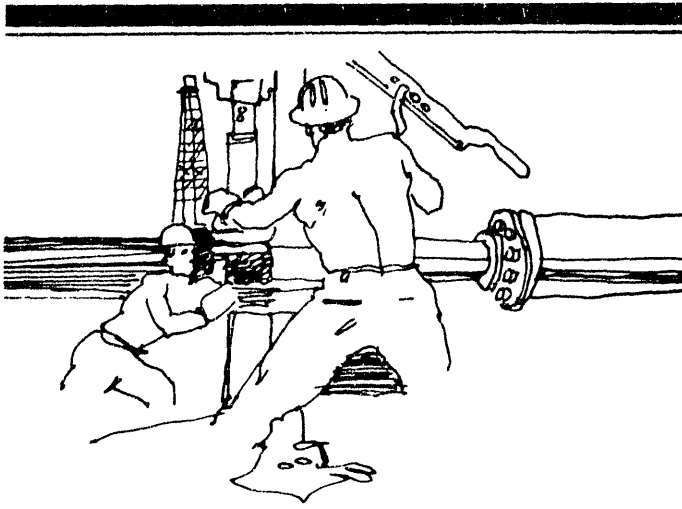
.005. *Relationship with Medicare, Title XVIII of the Social Security Act.*

(a) Medicare, the Federal health insurance program for the aged and disabled, covers certain home health care benefits under both hospital insurance (Part A) and supplementary medical insurance (Part B).

(b) For patients eligible to receive health benefits under both Medicare (Title XVIII) and Medicaid (Title XIX), Medicare is the primary resource for payment of services. The Medicaid Program pays the Part B premium for eligible medical assistance beneficiaries through a "buy-in" agreement with the Social Security Administra-



tion (SSA). Requests for payment of Medicare covered services provided Medicare/Medicaid beneficiaries are to be filed by the home health agency with their Medicare fiscal intermediary or carrier on the appropriate SSA claim form. The fiscal intermediary or carrier will pay the Medicare portion of the claim and forward the processed claim to the Blue Cross Medicaid Program for payment of any deductible charges. (Note: It is anticipated that a large majority of the recipients eligible for Title XIX home health services under the Comprehensive Home Care program will be eligible to receive Medicare home health benefits.)



.006. Medicare Home Health Benefits.

(a) Medicare's Part A hospital insurance will pay for up to 100 home health visits during the 12 months after discharge from a hospital providing:

- (1) the patient was in a Medicare approved hospital for at least three consecutive days;
- (2) the home health care is a continuation of treatment for a condition which was treated in a hospital or skilled nursing facility;
- (3) the care needed includes part-time skilled nursing care, physical therapy, or speech therapy;
- (4) the patient is confined to his/her home;
- (5) a physician prescribes the need for home health care and develops a home health care plan within 14 days after the patient's discharge from a hospital or skilled nursing facility; and
- (6) the home health agency providing the service is certified for participation in Medicare.

(b) Medicare's Part B medical insurance will also pay up to 100 home health visits in a calendar year. This is in addition to the 100 visits available under the Part A hospital insurance providing:

- (1) the patient needs part-time skilled nursing care, physical therapy, or speech therapy;

- (2) a physician determines the need for care and sets up a home health care plan;

- (3) the patient is confined to his/her home;

- (4) the home health agency providing services is certified for participation in Medicare.

(c) Home health services covered by Medicare include:

- (1) part-time skilled nursing care;
- (2) physical therapy;
- (3) speech therapy.

(d) If the above services are needed, Medicare will also pay for:

- (1) occupational therapy;
- (2) part-time services of Home Health Aide;
- (3) medical social services;
- (4) medical supplies and equipment provided by the agency.

(e) Medicare does not pay for the following home health services:

- (1) full-time nursing care at home;
- (2) drugs and biologicals;
- (3) home delivered meals;
- (4) homemaker services.

Issued in Austin, Texas on January 29, 1976.

Doc. No. 760636

Raymond W. Vowell
Commissioner
Department of Public Welfare

Proposed Date of Adoption: Undetermined

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

Recipient Eligibility 326.47.02

.001. *Eligible Recipients.* With the implementation of the Comprehensive Home Care Program there are two groups of Medicaid eligibles:

(a) the recipients of SSI benefits who are eligible to receive expanded home health care services under the program; and

(b) the eligible Medicaid recipients 21 years of age and over, who are ineligible for the program's health care services, but who remain eligible for the home health benefits available under the regular Medicaid Program

.002. *Recipients of Supplemental Security Income (SSI) Benefits.* Individuals eligible for home health care services under the program are: Type Program* 12 and 13--Recipients of benefits under the SSI administered by the Social Security Administration. The SSI Program includes aged, blind, and disabled individuals who are eligible to receive cash benefits under Title XVI of the Social Security Act.

*Designates individuals manually certified as SSI eligibles.

.003. *Other Medicaid Recipients 21 Years of Age and Older.*

(a) Individuals who remain eligible for home health benefits under the regular Medical Assistance Program:

(1) Type Program 01-- Recipients of financial assistance from the Department of Welfare under the Aid to Families with Dependent Children Program (AFDC).

(2) Type Program 03-- Individuals ineligible for money grants due to a 20 per cent increase in Social Security benefits which became effective October, 1972, but who continue to meet the Department's standards which were in effect in December, 1973.

(3) Type Program 04-- Individuals eligible for medical assistance three months prior to SSI or AFDC application date.

(4) Type Program 07-- Individuals denied AFDC due to increased earnings but who remain eligible for medical assistance for a period of four months following termination of their public assistance grant.

Issued in Austin, Texas, on January 29, 1976.

Doc. No. 760637 **Raymond W. Vowell**
 Commissioner
 Department of Public Welfare

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Title XIX Home Health Care Benefits 326.47.03

.001. *Scope of Home Health Care Services Available under the Comprehensive Home Health Care Program.*

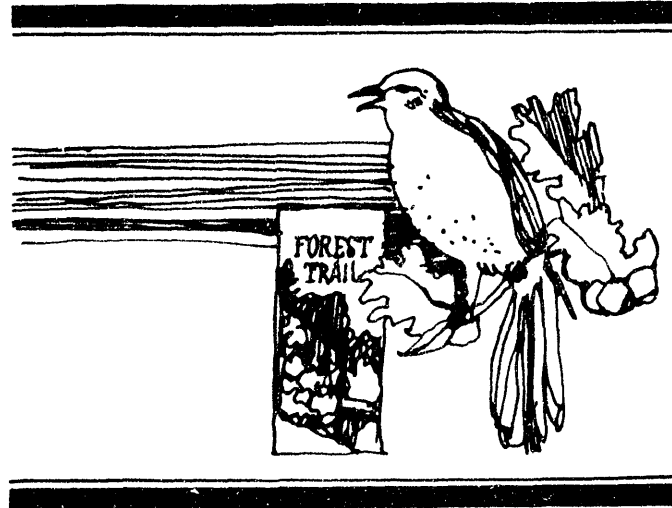
(a) This section describes in detail the Title XIX covered services, limitations and the prior authorization guidelines.

(b) The determination of medical necessity for home health care services is the responsibility of the attending physician. However, the patient's plan of treatment is subject to review on an individual case basis by the DPW program's nurse, with the advice and consultation of the program's physician, who has final authority for prior approval or denial of payment on all Title XIX home health care services.

(c) The items shown as limitations or the items excluded from coverage are considered less essential or necessary in meeting the medical needs of a patient. However, it is recognized that in exceptional circumstances there may be a need for services beyond those ordinarily covered. Therefore, these general limitations and exclusions do not prohibit the authorization for payment of noncovered items, when prescribed by the attending physician and determined by the program's physician to be critical to the specific medical needs of a patient.

.002. *General Criteria for Authorization of Services.*

(a) Listed below are the general policies and procedures applicable to all requests for prior authorization of services.



(1) Coverage is limited to current recipients of Supplemental Security Income (SSI).

(2) For Medicare/Medicaid beneficiaries, Medicare must be utilized as the primary resource for payment of home health care services. On cases where coverage is denied by Medicare and payment is then requested under Title XIX, a copy of the Medicare denial letter must accompany each request submitted to the Department.

(3) Title XIX home health care services must be provided in the recipient's place of residence, but not including as a residence, a hospital, a skilled nursing facility, or an intermediate care facility.

(4) The combined cost of medical and social services provided an individual patient on a home basis shall not exceed \$275 a month on a continuing basis. Exception: For those individuals who are in the existing caseload at the onset of the program, the cost of combined services shall not exceed \$367.50 per month on a continuing basis. Temporary cost may exceed the above rates; however, temporary may not be defined to exceed a period of 90 days.

(Note: Payment of costs exceeding the established maximums beyond a 90-day period shall require special approval from the program's physician and/or the Regional Program Director of ABD Social Services or their designates.)

(5) All home health services must be prescribed by a physician (M.D. or D.O.) licensed to practice in Texas.

(6) All requests for prior authorization of home health care services must include:

A. the medical home health care plan and, where applicable, the social service home care plan.

B. (i) The physician's plan of treatment with diagnosis and specific orders/prescriptions for the requested medical services, describing the amount, duration, and frequency of treatment. This shall include recent

medical evaluations, historical, physical and laboratory information as required to substantiate the diagnoses and requested medical services. This plan shall be in writing and signed by the treating physician. (ii) All patient care plans submitted for prior approval must reflect the patient's total plan of treatment. This would apply even though payment for prescribed health services may have been made by some other third party resource, such as Medicare. (iii) In instances where inadequate or incomplete information is submitted, the contractor will be requested to furnish additional information as required to make a payment decision.

(7) Approvals for payment of Title XIX home health services will not exceed a 60-day treatment period on any given authorization. Exception: Approvals for payment of speech therapy, physical therapy, and oxygen therapy are limited to a 30-day period. Drugs for treatment of acute conditions will be limited to a 14-day authorization.

A. When there is a request for continuation of services under the same plan of treatment, the medical information from the contractor must include appropriate progress reports and the physician's recertification as to the need for continued services.

B. When there is a revised plan of care, the contractor will need to submit a new medical plan of care, signed by the physician.

(8) Recipients receiving home health services must be under the care of a physician licensed to practice in the State of Texas:

A. Recipients must be seen initially by a physician, not more than 30 days prior to the start of care. This applies to all new cases. Exception: Individuals who are currently in the established program caseload must be seen by a physician no later than 30 days after the start of care. Home health services may be authorized for an individual during this initial 30-day period providing that the medical plan of care submitted for prior authorization bears the signature of the prescribing physician or the signature of the Home Health Agency (contractor) Medical Director.

B. Recipients must be seen by a physician at a minimum frequency of once every 60 days, unless otherwise specified by the treating physician, not to exceed a maximum period of 120 days.

(9) In *bona fide* "Emergency" situations, telephone authorizations may be obtained from the program's nurse. Such requests shall be made by a nurse in the Home Health Agency (contractor). Substantiating medical information signed by the physician must be submitted to the Department no later than 7 days following the date of service.

.003. *Benefits.* Each recipient is entitled to an aggregate of 100 home health visits per continual year which may include professional nursing services, physical therapy, speech therapy, and home health aide services. In addition, provision is also made for payment of medical sup-

plies, medical appliances, oxygen and related equipment, medications that cannot be self-administered, and repair of purchased medical equipment and appliances.

(a) Professional nursing services.

(1) Professional nursing care is a covered home health service when ordered by and included in the physician's plan of treatment, and provided by or under the direct supervision of a licensed nurse (RN, LPN, or LVN) on an intermittent or part-time basis. Part time is defined as less than an eight-hour shift per day.

(2) When the purpose of a visit is to perform a service that could be self-administered or provided by a non-medical person without the direct supervision of a nurse, payment will not be authorized. In determining whether or not a visit requires the skill of a nurse, consideration will be given to the type of service being provided and the condition of the patient as identified in the plan of care.

(3) Examples of services which may require the skills of a nurse:

A. administration of medication that cannot be self-administered;

B. changing of indwelling catheters;

C. application of dressings involving prescribed medications and sterile techniques.

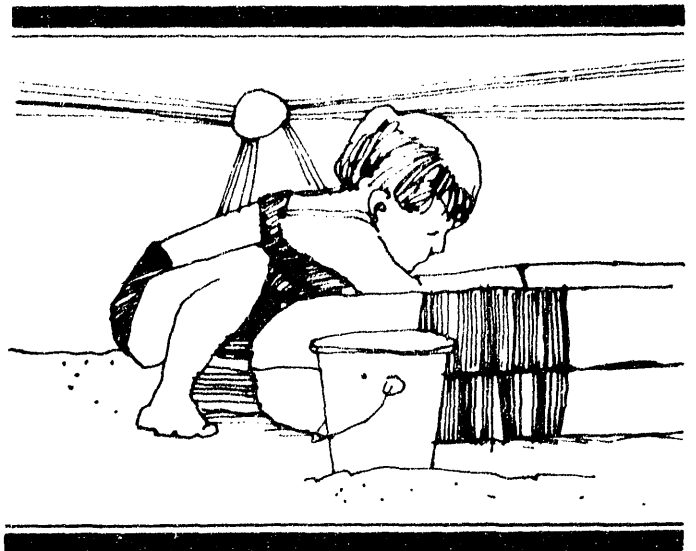
(4) Examples of services which would not ordinarily require the skills of a licensed nurse:

A. the administration of oral medications, eyedrops or topical ointment.

B. routine skin care such as bathing, applying creams, etc., for the presence of a small decubitus ulcer, rash or other minor skin irritation;

C. enemas except perhaps in an immediate post-operative situation

(5) Teaching services. Payment will be considered for nursing visits required to teach the patient and/or family member or neighbor how to safely and



effectively implement a service or activity which is necessary to the care and treatment of a patient in a home setting; for example, giving an injection, irrigating a catheter, or colostomy, or administering oxygen.

(6) Observation. Visits for the purpose of skilled nursing observation and evaluation are covered, providing the physician specifically requests a nurse to visit the home for this purpose. In these instances, the doctor's orders must reflect adequate information to document the need for such visits.

(Note: Nursing visits for the primary purpose of assessing a patient's nursing care needs would not be reimbursable as a professional nursing visit nor count against the patient's 100 maximum visit limitation.)

(7) Supervisory. Visits for the purpose of providing general supervision to a home health aide would not be considered a professional nursing visit.

(8) Male Orderly. In the event that the services of a male orderly are requested for the purpose of inserting a urinary catheter in a male patient, then this may be considered a nursing service and billed as a nursing visit, when prescribed by the treating physician.

(9) Administration of medication. Nursing visits for the purpose of administering intramuscular and intravenous injections would constitute professional nursing services; however, visits for the purpose of giving medications would not be covered if:

A. the medication is not considered medically necessary to the treatment of the individual's illness;

B. the administration of medication exceeds the therapeutic frequency or duration by accepted standards of medical practice;

C. there is not a medical reason prohibiting the administration of the medication by mouth;

D. the patient or a member of his/her family has been taught to give the injection.

(b) Physical therapy.

(1) Physical therapy is a covered benefit when prescribed by and included in the attending physician's plan of treatment and provided by or under the direct supervision of a registered physical therapist.

(2) All requests for payment of physical therapy services must specifically identify the type and number of modalities or procedures, and the therapeutic goals. Where applicable, the degree of motion lost and the degree to be restored should also be indicated as part of the request.

(3) When there is a need for continuation of services beyond the initial authorization period, the physician's progress notes and recertification should reflect consultation with the physical therapist.

(4) Covered physical therapy services would include the following modalities or procedures:

A. gait evaluation and training with prosthetics, orthotics, and assistance devices; safety with equipment; and transfer instructions;

B. home use of heat and cold (hot packs, infrared, whirlpool, etc.);

C. range of motion tests, sensory-motor evaluations, evaluations of muscle strength;

D. therapeutic exercises (range of motion exercises must be related to a specific loss of function—passive exercises for maintenance of range of motion in paralyzed extremities does not ordinarily require a Registered Physical Therapist);

E. wheelchair prescriptions;

F. establishment of a maintenance program for the purpose of maintaining the patient's present level of functioning and instructing of the patient, family or home health aide to carry out this function. In cases where the patient has been receiving restorative therapy, this maintenance program would normally have been developed in the course of treatment;

G. traction, manual and mechanical;

H. electrical stimulation;

I. ultrasound;

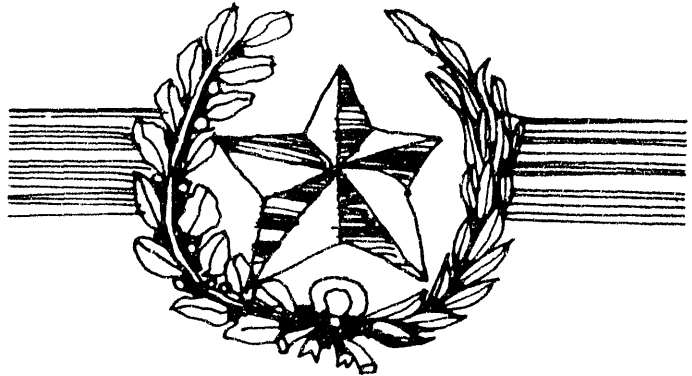
J. neuromuscular re-education;

K. instruction in range of motion exercises;

L. massage;

M. functional activities;

(Note: The physical therapist must be present in the home when the above services are provided.)



(5) Non-covered services:

A. general exercises or activities not directly related to treatment of the patient's specific medical condition, e.g., overall physical activities for the general well-being of the patient;

B. the medical condition of the patient does not require the overall skill of a registered physical therapist;

C. restorative or maintenance therapy which can be taught to the patient, family members, or a home health aide;

D. visits made for the primary purpose of exploring prevocational possibilities;

E. home physical layout assessments.

(c) Speech therapy.

(1) Speech disorder evaluations, speech therapy, and/or lip reading therapy are covered services, when prescribed by the physician as part of the patient's overall treatment plan.

(2) Payment for speech therapy services is limited to speech disorders which are of organic etiology or related to loss of hearing. These include:

- A. dysphasia;
- B. laryngectomy;
- C. disorders associated clearly with central nervous system dysfunction;
- D. speech or lip reading therapy necessary to maintain or restore communicative skills deteriorating as the result of hearing loss.

(Note: Individuals identified as hearing impaired should be referred to the Department's Hearing Aid Program. Individuals identified as speech or hearing impaired but who have employment potential should be referred to the Texas Rehabilitation Commission.)

(3) On all requests for payment of speech therapy, a copy of the speech evaluation report must be submitted along with the physician's recommendations.

(4) Speech evaluation reports must include an analysis of the findings along with a concise description of the disorder, whether it is an articulatory, rhythmic, voice, or a result of hearing loss, etc. The report should also indicate whether the disorder is classified as organic or functional. When the clinician is uncertain as to its classification, this should be noted on the report. Recommendations for further diagnosis or treatment should be clearly stated with respect to duration, number and frequency of therapy sessions, and the estimated prognosis and therapeutic goals.

(5) When there is a need for continuation of services beyond the initial authorization period, the physician's progress notes and recertification should reflect consultation with the speech therapist.

(d) Home health aide services.

(1) Personal care services provided by a home health aide are covered for payment when determined medically necessary by the physician as part of the patient's treatment plan. The services of a home health aide must be provided under the supervision of a professional nurse.

(2) Home health aide services would include:

- A. help with bathing and ambulation;
- B. hair and mouth care;
- C. exercise;
- D. assistance in taking prescribed medication that could normally be self-administered;
- E. routine back care or skin care;
- F. giving an enema;
- G. taking temperature, pulse, and respiration;
- H. weighing.

(3) In the course of a visit the aide may also perform such incidental services as:

- A. sick bed linen change;
- B. washing essential bed clothes;
- C. assistance in the preparation of special diets.

The primary objective of a home health aide visit and the majority of the time spent in the home must be for the purpose of rendering personal care services. Visits made primarily for the purpose of performing housekeeping services should be referred to the program social services worker for review and evaluation of payment under Title IV-A or VI.

(e) Medical supplies.

(1) The covered medical supplies listed in this section are those items considered most essential in the physician-prescribed treatment of an ill or injured patient in his/her home. All of these items are primarily designed for therapeutic or diagnostic purposes. Other routine items which are not listed or shown as limitations may, in specific instances, be required for a particular patient. Consideration may be given to payment of such items when the need can be medically documented as serving a specific therapeutic purpose.

(2) The frequency of prescribed usage and the package size, where applicable, will determine the quantity of supplies to be authorized during an approved period of treatment. This would apply in situations where a patient requires medical supplies on a chronic or maintenance basis.

(3) When the initial physician's request for skilled nursing visits substantiates the need for medical supplies in order to carry out this request, a separate order for supplies is not required from the physician. However, it will still be necessary for the nurse to request payment for these supplies on an itemized basis. For example, the

initial physician's request may read, "catheter change every two weeks for 60 days," automatically indicating the need for catheters and catheter trays.

(4) Compensable items:

- A. dressing supplies (combine 4x4's, 2x2's, gauze pads, elastic bandages, porous tape, etc.)***;
- B. colostomy and ileostomies (original sets, replacement and ongoing care supplies)**;
- C. thermometers*;
- D. urinary appliances (sterile foley, catheters, irrigation sets, catheterization sets, bags, tubes, etc.)**;
- E. emesis basins;
- F. sheepskin pads;
- G. foam rubber rings;
- H. incontinent pads*;
- I. urinals and bedpans;
- J. other irrigation sets;
- K. crutch and cane tips*;
- L. rubber or plastic sheeting*;
- M. elastic bandages, supports, abdominal binders;

N. elastic hosiery (e.g., Jobst Pressure Gradient Support Stockings);

O. medicine chest (alcohol, Benzoin, etc.).

(5) Limitations:

- A. room deodorizers;
- B. heat lamps;
- C. heating pads;
- D. ordinary support hose (under \$10);
- E. special allergy bed clothing (including pillows and blankets)

* The above items may be considered for prior authorization of payment upon request of a Registered Nurse.

** After the initial physician's prescription, a Registered Nurse may request payment for the above items on a replacement basis

*** The above item may be considered for prior authorization of payment upon request of a Registered Nurse; however, this applies only to plain dressing supplies.

- F. atomizers,
- G. nebulizers.

(f) Medical appliances and equipment.

(1) Payment may be considered for purchase or rental of medical equipment determined to be medically necessary in illness/injury or for treatment of a malformed body member.

(2) Durable medical equipment is defined as equipment which:

- A. can withstand repeated use; and is
- B. primarily and customarily used to serve a medical purpose.

(3) Medical appliances must be medically necessary in each specific case. For example: the fact that there may be medical necessity for a hospital bed does not necessarily mean that there is also medical necessity for

side rails or other equipment. Requests must be specific with regard to the type of appliance, with the prescription indicating any special equipment that must be included. For example: if a wheelchair is requested, are any additional items needed, such as footrests, crutch-holders, etc.?

(4) On requests for authorization of larger equipment, the information from the contract agency should include a medical equipment assessment. For example, in the case of a wheelchair: (1) where will the wheelchair be used (inside, outside, or both)? and (2) can doorways accommodate the width of the wheelchair so that the patient can move from room to room and so forth?

(5) The program's nurse or physician will review and approve the most appropriate plan and the most economical method (rental or purchase) of meeting the recipient's needs on a planned basis. Periodic rental payment will be made only for the period of time the equipment can be substantiated as medically necessary. Periodic rental payments should end when medical necessity for the equipment no longer exists or when the total monthly payments equal the reasonable purchase costs, whichever comes first. Ordinarily, equipment will be purchased if it is determined that purchase is more practical or less costly than periodic payments.

(6) Appliances not covered, or shown as limitations, or customarily serving a nonmedical purpose may in exceptional circumstances be considered for payment, when it can be medically substantiated as a part of the treatment plan that such an appliance would serve a specific medical purpose on an individual case basis.

(7) Compensable medical appliances and equipment (rental or purchase).

A wheelchairs, including required special equipment (e.g., foot rests, detachable arms, and crutch holders) (non-electric).



- B. canes**;
- C. crutches;
- D. trapeze bars;
- E. bed-pans and urinals**;
- F. commodes;
- G. walkers;
- H. hospital beds and mattresses (non-electric);
- I. air flotation or air pressure mattresses and cushions;
- J. back rests;
- K. bathtub rails, safety sets, shower chair;
- L. bed boards;
- M. bed side rails;
- N. bed trays**;
- O. blanket support;
- P. mechanical lifts;
- Q. bed and chair restraints;
- R. bath home whirlpool*;
- S. home exercisor*;

* In combination with physical therapy and an established treatment plan.

** The above items may be considered for prior authorization of payment upon request of a Registered Nurse.

(8) Limitations:

- A. therapeutic lights;
- B. vaporizers;
- C. humidifier;
- D. over-bed tables;
- E. heat lamps.

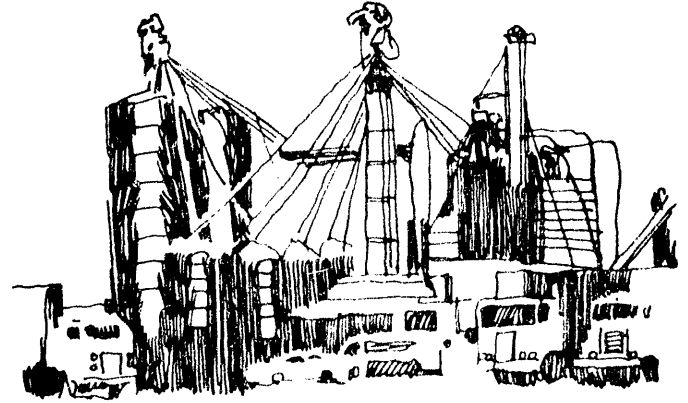
(g) Oxygen and related equipment.

(1) Physician-prescribed oxygen and related equipment is a covered benefit for patients with respiratory disabilities.

(2) All initial requests for payment of services on a chronic treatment basis must include a copy of a cardiopulmonary evaluation report establishing the (1) cause of respiratory disability, (2) prognosis, and (3) the medical necessity for oxygen or inhalation therapy services. Exception: A cardiopulmonary evaluation will not be required on cases where oxygen is placed in the home for precautionary measures or emergency use only.

(3) On all cases involving the use of oxygen in the home the information from the contractor should reflect (1) that a careful evaluation of the home situation has been done with particular respect to fire safety, and (2) that the plan of treatment does include plans for giving the patient and/or his/her family the necessary instructions in the care, use, and cleaning of the equipment. Where applicable, initial and subsequent requests should specify the size of oxygen cylinder, number of refills per month, and the flow rate.

(4) Approvals are limited to a maximum authorization period of 30 days. If the patient's need continues beyond this maximum period, then the contractor would be expected to submit a progress report from the physician



A. substantiating the need for continued services;

B. containing any clinical findings or lab studies performed on the patient during the previous 30-day period; and

C. including any other additional medical information that might be relevant.

(5) For treatment of short duration, Intermittent Positive Pressure Breathing (IPPB) machines and auxiliary equipment such as oxygen regulators and bubble jets can be provided on a rental basis. However, for extended periods of treatment, consideration should be given to purchase of the equipment.

(6) On cases involving the rental or purchase of IPPB machines, an inhalation therapist (or other qualified personnel*) must be utilized to give the patient the proper instructions in the use and care of this particular equipment.

*Registered Nurse or physical therapist with specialized respiratory care training.

(7) Covered services (rental or purchase):

- A. oxygen;
- B. humidifiers;
- C. regulators;
- D. nasal catheters;
- E. masks and tubing;
- F. IPPB machines;
- G. emergency oxygen units.

(8) Limitations: oxygen tents.

(h) Medications (which cannot be self-administered).

(1) Drugs and biologicals are covered for payment when administered by the nurse as part of his/her professional nursing service visit. Normally these medications would be intravenous and intramuscular injections administered as a skilled nursing service.

(2) Following is a list of the most frequently requested medications and the guidelines for prior authorization of payment:

A. vitamin B-12 injections-- covered for selected anemias; pernicious anemia*; megaloblastic anemia; macrocytic anemias; fish, tapeworm anemia; gastro-intestinal disorders-- gastrectomy; malabsorption syndromes (sprue and idiopathic steatorrhea); surgical and mechanical disorders such as resection of the small intestine, strictures, anastomosis and blind loop syndrome; selected neuropathies-- posterolateral sclerosis or neuropathies associated with pernicious anemia-- during the acute phase of acute exacerbation, due to malnutrition and alcoholism.

For individuals with pernicious anemia caused by Vitamin B-12 deficiency, an intramuscular or subcutaneous injection of Vitamin B-12 at a dose of from 100 to 1000 micrograms no more frequently than once a month is normally considered a reasonable dosage schedule for maintenance treatment. More frequent injections may be authorized in the initial or acute phases of disease until it has been determined through lab tests that the patient can be sustained on a maintenance dosage. Customarily, non-medical persons are not taught to administer these injections. Ordinarily, Vitamin B-12 injections would be allowed one time a week for the initial month, then once a month thereafter.

B. insulin injections-- specific therapy for diabetes;

C. diuretics, steroids, iron preparations, hormones, antibiotics gold therapy;

D. durabolin.

The injections listed in Item 3 may be considered for payment during the initial or acute phase. Additional documentation should be submitted by the patient's physician if therapy is to be continued beyond the initial two-week period. Ordinarily, payment would be limited to a diagnosis of osteoporosis, providing the physician's medical information substantiates that oral administration cannot be tolerated.

(3) In considering payment for requested medications, consideration should be given to the following:

A. Is the requested medication considered specific treatment for the diagnosis according to accepted medical practice?

B. Does the information submitted by the physician give a medical reason as to why the medication must be given by injection rather than by mouth?

C. Can the patient, a member of his/her family, or a friend be taught to administer the injection? If so, then payment for the medication would have to be made under the regular Vendor Drug Program.

D. Payment for intravenous and hypodermoclysis feeding on a continuing basis would be questionable. Ordinarily, patients needing this type of service would require the level of care provided in a skilled nursing facility, unless the patient might be in the terminal stages of an illness.

E. (i) Overall limitations. Drugs for treatment of acute conditions are limited to a 14-day authorization period (two-week supply). Maintenance drugs may be approved for a period not to exceed 60 days (two-month supply). (ii) Repair of durable medical equipment and appliances. (1) Payment may be authorized for repair of durable medical equipment or appliances which the Department has previously purchased for a patient as part of the home care plan. Maintenance of rental equipment would be the responsibility of the contractor. (2) Requests for repairs must include: A specific recommendation by the attending physician; and medical information substantiating that the appliance or equipment continues to serve a specific medical purpose; and an itemized cost list of the repairs. (3) If the cost of repair equals or exceeds the customary purchase price then consideration should be given to rental or purchase of new equipment. (4) In the event that the repair charges seem exorbitant, the contractor should be requested to obtain a second bid from another provider. (5) Repairs will not be authorized in situations where the equipment has been abused or neglected by the patient and/or his/her family.

Issued in Austin, Texas, on January 29, 1976.

Doc. No. 760638 Raymond W. Vowell
Commissioner
State Department of Public
Welfare

Proposed Date of Adoption Undetermined

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

Authorization-- Reimbursement Procedures 326.47.04

.001. *Comprehensive Home Health Care Services.*

(a) The contractor will submit all requests for prior authorization of services directly to the Department of Public Welfare. The Program nurse (with the advice and consultation of the Program physician) is responsible for the review and authorization of Title XIX home health care services. Each home health care plan will be evaluated on an individual case basis in accordance with the guidelines outlined in the manual.

(b) The Program's social worker is responsible for the authorization of Titles IV-A and VI social services. The Program's nurse and social worker will determine which benefits each should respectively authorize and work cooperatively in evaluating and jointly assessing the appropriateness of the total care plan for each patient.

(c) The contractor will be notified in writing of the authorization (or denial) for payment of services. In situations where a service is denied for payment, the contractor may submit additional information and request that reconsideration be given to payment on a specific case.

(d) Claims for payment of authorized Title XIX home health benefits will be submitted by the contractor directly to the DPW State Office on the appropriate billing forms. Approved home health care services are reimbursable at the established rates, subject to adjustment to reasonable cost, in the same manner as is used under Title XVIII (Medicare) for comparable services.

.002. Medical Assistance Program Health Care Services.

(a) Home health care benefits covered under the Medical Assistance Program require prior approval for payment by DPW. In designated instances this authorization function will be assumed by the Program's nurse for Medicaid recipients residing in a specific geographical area. (This applies to those Medicaid recipients ineligible for Comprehensive Home Health benefits.)

(b) Both the contractor and the Department's health insuring agency, Group Hospital Services, Inc., (Blue Cross of Texas) will be notified in writing of the authorization or denial of payment for services. Claims for authorized benefits are subsequently submitted by the contractor to Blue Cross for processing and payment, in accordance with the Department's existing provider agreement.

Issued in Austin, Texas, on January 29, 1976.

Doc. No. 760639 Raymond W. Vowell
 Commissioner
 Department of Public Welfare

Proposed Date of Adoption: Undetermined

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

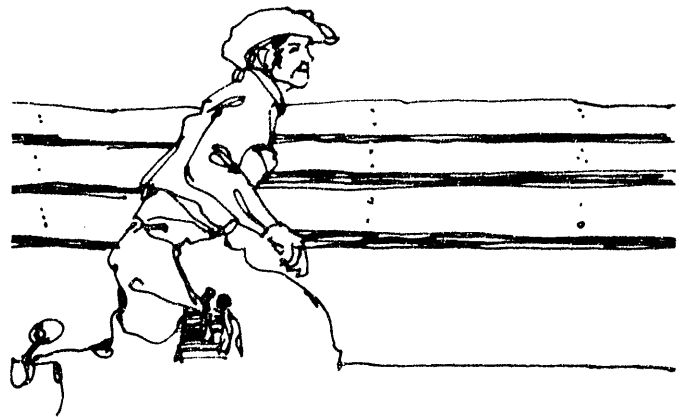
Services for Aged, Blind, and Disabled

Home Care Program 326.58.52

The Department of Public Welfare proposes the following rules for the Comprehensive Home Care Program. Comprehensive Home Care is a program which makes it possible for clients who do not need nursing home care to maintain an independent life style by providing medical and social services which allow clients to live at home; rehabilitative social and medical services for clients who have short term rehabilitation potential; and resocialization services to clients who have become isolated.

The Comprehensive Home Care Program is not intended to establish individual nursing homes for clients who need intensive and extensive medical services provided in nursing facilities. Therefore, certain limitations are imposed on the cost of the total services to be delivered to any client in a home setting.

During the comment period on these proposed rules, the Department will also be testing operational aspects of this program in Dallas County and 15 counties of the Paris



region. The adoption statewide of similar rules will depend in part upon the success of the program in the test areas.

Written public comment on the following rules is invited and should be sent to: Susan Johnson, Administrator, Systems and Procedures Bureau-92, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*.

A public hearing has been scheduled to consider these rules. Persons or groups wishing to make oral comment may do so at the hearing in Room 411, John H. Reagan Building, Austin, on February 20, 1976, at 1 p.m.

These rules are promulgated under the authority of Article 695c, Texas Revised Civil Statutes Annotated.

Because of the length of these rules, the text will not be published in the *Register*. The rules may be examined at the office of the *Texas Register*, Suite 550, Texas Commodore Building, 8th and Brazos Streets, Austin, during normal business hours. Copies may be obtained at cost from the Department of Public Welfare.

Listed below are the numbers and titles of the rules in this subcategory:

- .033. Financial Limitations.*
- .034. Exceptions to Total Cost Limitations.*
- .035. Transportation.*
- .036. Family Care Providers.*
- .037. Approval for Social Services.*
- .038. Medical and Social Services Guidelines.*
- .039. Prior Approval Unit Emergency Approval Procedures.*
- .040. Project Eligibility for Title XIX.*
- .041. General Criteria for Authorization of Services.*
- .042. Eligible Medicare Beneficiaries.*

- .043. *Home Health Benefits under Title XIX for Project Eligibles.*
- .044. *Physical Therapy.*
- .045. *Speech Therapy.*
- .046. *Home Health Aide Services.*
- .047. *Medical Supplies Covered by Title XIX upon Request of a Registered Nurse.*
- .048. *Medical Appliances and Equipment.*
- .049. *Oxygen and Related Equipment.*
- .050. *Medications.*
- .051. *Repair of Durable Medical Equipment and Appliances.*
- .052. *Types of Planning Conferences.*
- .053. *Procedures.*
- .054. *Component 2 - Data Analysis and Problem Identification.*
- .055. *Component 3.*
- .056. *Authorized Billing Process.*
- .057. *Billing Procedures.*
- .058. *The Fee Schedule.*
- .059. *Eligibility Requirements for Title XX Services.*
- .060. *Homemaker Services.*
- .061. *Day Care Services for Adults.*
- .062. *Chore Services.*
- .063. *Family Care Services.*
- .064. *Home Delivered Meals.*
- .065. *Health-Related Services.*
- .066. *Transportation Services.*
- .067. *Homemaker Services for Title IV-A.*
- .068. *Comprehensive Home Care Plan.*
- .069. *Prior Approval Team.*
- .070. *Expansion of the Program.*
- .071. *Orientation.*
- .072. *Cost Information Referral.*
- .073. *Advance Workshops.*
- .074. *Eligibility Determination.*
- .075. *Eligibility for Need of Family Care Services.*
- .076. *Assessment Priorities.*
- .077. *Submission of Assessments.*
- .078. *Reopening of Closed Cases.*
- .079. *Medical Coverage Verification.*
- .080. *Cost Liability.*
- .081. *Service Plans.*
- .082. *Availability of Providers.*
- .083. *Provider Changes.*
- .084. *Family Care Plan Revision.*
- .085. *Recruitment of Providers.*
- .086. *Central File.*
- .087. *Employability and Availability Factors.*
- .088. *Department Responsibilities.*
- .089. *Daily Register.*
- .090. *Project Registered Nurse Evaluation.*
- .091. *Project Worker Evaluation.*
- .092. *Notice of Decision.*
- .093. *Emergency Approval.*
- .094. *Opinion Differences.*
- .095. *Prior Approval Unit Performance Evaluated.*
- .096. *Cost Control Card.*
- .097. *Invoice Submittal.*
- .098. *Verification of Invoice.*
- .099. *Submittal of Purchase Voucher.*
- .100. *Development of Contractors.*
- .101. *Contract Provider Structure.*
- .102. *Title XVIII Approved.*
- .103. *Cost Profile.*

Issued in Austin, Texas, on January 29, 1976.

Doc. No. 760640 **Raymond W. Vowell**
 Commissioner
 Department of Public Welfare

Proposed Date of Adoption: Undetermined

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

The Open Meetings Act (Article 6252-17, Texas Civil Statutes) requires that an agency with statewide jurisdiction have notice posted for at least seven days before the day of a meeting. A political subdivision covering all or part of four or more counties, or an institution of higher education, must have notice posted for at least 72 hours before the scheduled meeting time. Notice of an emergency meeting or an emergency addition or amendment to an agenda must be posted for at least two hours before the meeting is convened. Although some notices may be received and filed too late for publication before the meetings are held, all filed notices will be published in the *Register*. Each notice published includes 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 Capitol Building.

Advisory Commission on Intergovernmental Relations

Meeting

A meeting of the Public Finance Committee of the Texas Advisory Commission on Intergovernmental Relations will be held on Friday, February 13, 1976, 9:30 a.m., at Room 119, Stephen F. Austin State Office Building, 1700 North Congress, Austin, to consider study issues relating to property tax and school finance and a staff report on county property tax, highway and road financing, and court financing.

Additional information may be obtained from the Texas Advisory Commission on Intergovernmental Relations, Room 622, Stephen F. Austin Building, Austin, Texas 78701, telephone (512) 475-3728.

Filed: January 30, 1976, 3:35 p.m.

Doc. No. 760656

State Banking Board

Hearing

A hearing before the State Banking Board will be held on Tuesday, April 13, 1976, 9 a.m., at 2601 North Lamar, Austin, to consider the charter application of the proposed The Bank of Pampa, to be located in Pampa, Texas.

Additional information may be obtained from Dan Krohn, 2601 North Lamar, Austin, Texas 78705, telephone (512) 475-4451.

Filed: February 2, 1976, 10:04 a.m.

Doc. No. 760664

Coordinating Board, Texas College and University System

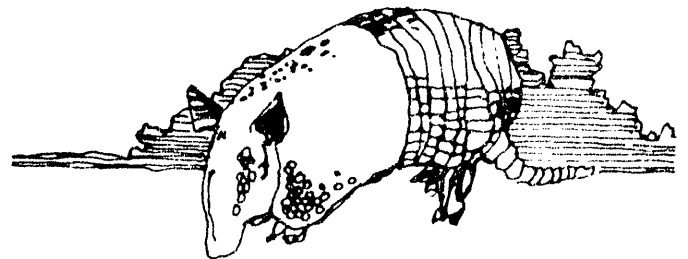
Meeting

A meeting of the Commissioner's Advisory Council for Continuing Education for Nurses in Texas, Program Development Division of the Coordinating Board, Texas College and University System, will be held on Thursday, February 19, 1976, 9 a.m., at Room 2-118, Joe C. Thompson Conference Center, 26th and Red River, Austin, to give the charge to the Council to organize into two study committees and to identify the areas to be studied and make work assignments.

Additional information may be obtained from Dr. David T. Kelly, P.O. Box 12788, Capitol Station, Austin, Texas 78711, telephone (512) 475-3413.

Filed: January 29, 1976, 3 54 p.m.

Doc. No. 760630



Texas Commission for the Deaf

Meeting

A meeting of the Texas Commission for the Deaf will be held on Saturday, February 7, 1976, 10 a.m., at the Harold Hinn Conference Room, Textile Research Center, Texas Tech Campus, Lubbock, to discuss the moving of the state office; part-time counselor; TCD Interpreter Services Advisory Committee; the budget report; staff activities. The speakers will be Senator Kent Hance, Colleen Harmon Seital, and others yet to be determined. An executive session is also scheduled.

Additional information may be obtained from Joan Boerger Fowler, P.O. Box 12904, Capitol Station, Austin, Texas 78711, telephone (512) 475-2492.

Filed: January 29, 1976, 12:54 p.m.

Doc. No. 760629

State Board of Dental Examiners

Meeting

A meeting of the Texas State Board of Dental Examiners will be held on Saturday, March 6, 1976, 9 a.m., at the Board Hearing Room of the Shamrock-Hilton Hotel, Houston, to consider the adoption of or amendments to its Rules and Regulations pertaining to dentists and all persons or businesses under its jurisdiction; and to conduct scheduled disciplinary hearings and regular Board business.

Additional information may be obtained from Carl C. Hardin, Jr., 718 Southwest Tower, Seventh and Brazos, Austin, Texas 78701 telephone (512) 475-2443.

Filed: February 2, 1976, 11:59 a.m.

Doc. No. 760666

Texas Education Agency

Meeting

A meeting of the Advisory Committee for the Texas Personnel Interchange Program of the Texas Education Agency will be held on Tuesday, February 10, 1976, 9 a.m., at the Quality Inn-Cibola, 1601 East Division, Arlington, to consider responsibilities of Advisory Committee; election of Chairman and Vice Chairman; committee assignments; travel; other concerns. The complete agenda is posted in the East Wing of the Capitol Building.

Additional information may be obtained from Russell A. Walker, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-3271.

Filed: January 30, 1976, 11:12 a.m.

Doc. No. 760643

Texas State Board of Landscape Architects

Meeting

A meeting of the Texas State Board of Landscape Architects will be held on Monday, March 1, 1976, 10 a.m., at Room 503, Sam Houston Building, Austin, to consider regular business of the Board; certification of December examination applicants; and to hold an administrative hearing for E. H. Lamm of San Antonio, Texas.

Additional information may be obtained from Kathryn Mitchell, 320 Sam Houston Building, Austin, Texas 78711, telephone (512) 475-3252.

Filed: January 30, 1976, 3:27 p.m.

Doc. No. 760657

Texas Board of Licensure for Nursing Home Administrators

Meeting

A meeting of the Texas Board of Licensure for Nursing Home Administrators will be held on Tuesday, February 10, 1976, 10:30 a.m., at the Licensure Board Office, 7333 Highway 290 East, Austin, to discuss preceptor seminars; associate degree program; continuing education review; a hearing; and a financial report.

Additional information may be obtained from E.M. Lawrence, P.O. Box 9706, Austin, Texas 78766, telephone (512) 926-9530.

Filed: February 2, 1976, 9:56 a.m.

Doc. No. 760663

Board of Physical Therapy Examiners

Meeting

A meeting of the Administrative Division of the Board of Physical Therapy Examiners will be held on Saturday, February 7, 1976, 10 a.m., at the Austin Hilton Inn Caucus Room, III 35 and Highway 290, to recognize the newly appointed board member; conduct a hearing requested by Vera L. Long; and discuss clarification of sections of Senate Bill 344.

Additional information may be obtained from Jean M. Miller, 1500 West 38th, Suite 18, Austin, Texas 78731, telephone (512) 475-7956.

Filed: January 30, 1976, 10:01 a.m.

Doc. No. 760641

Division of Planning Coordination

Meeting

A meeting of the Division of Planning Coordination of the Governor's Office will be held on Wednesday, February

11, 1976, 10 a.m., at the Old Supreme Courtroom of the Capitol Building, Austin, to discuss the Texas Coordinating Commission for State Health and Welfare Services.

Additional information may be obtained from the Division of Planning Coordination, Office of the Governor, 411 West 13th Street, Austin, Texas 78701, telephone (512) 475-6173.

Filed: January 30, 1976, 3:25 p.m.

Doc. No. 760658

Railroad Commission of Texas

Meeting

A meeting of the Transportation Division of the Railroad Commission will be held on Tuesday, February 17, 1976, 9 a.m., at the Ernest O. Thompson Building, 10th and Colorado, Austin, to consider contested and uncontested public convenience and necessity applications; contested and uncontested rate applications; contested and uncontested railroad applications; insurance reinstatements; voluntary suspensions; exempt commodity authorities; I.C.C. authorities; miscellaneous. The complete agenda is posted in the East Wing of the Capitol Building.

Additional information may be obtained from James H. Cowden, P.O. Box 12967, Capitol Station, Austin, Texas 78711, telephone (512) 475-3207.

Filed: January 30, 1976, 1:56 p.m.

Doc. No. 760652

State Securities Board Meeting

A meeting of the State Securities Board will be held on Monday, February 9, 1976, 9 a.m., at Room 709, LBJ State Office Building, 17th and Brazos, Austin, to discuss staff proposals for changes in the rules; report on pending requests for Attorney General's Opinions; current enforcement matters; current litigation; waiver requests; withdrawals/denials since last board meeting; and personnel matters (closed session).

Additional information may be obtained from Roy W. Mauer, 17th and Brazos, Austin, Texas 78701, telephone (512) 475-4561.

Filed: January 30, 1976, 4:42 p.m.

Doc. No. 760661

Public Utility Commission of Texas

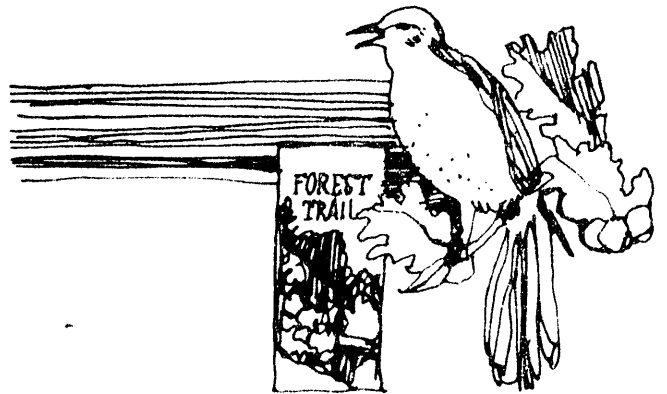
Meeting

A meeting of the Public Utility Commission of Texas will be held on Wednesday, February 18, 1976, 9 a.m., at 7800 Shoal Creek Boulevard, Austin, to discuss a dispute between Denton County Electric Cooperative, Inc., and Texas Power and Light Company over certification right to certain land located in Denton County, Texas.

Additional information may be obtained from Roy J. Henderson, P.O. Box 12577, Austin, Texas 78711, telephone (512) 475-7921.

Filed: February 2, 1976, 11:59 a.m.

Doc. No. 760665



Texas Water Rights Commission

Meeting

A meeting of the Texas Water Rights Commission will be held on Monday, February 9, 1976, 10 a.m., at Stephen F. Austin State Office Building, 1700 North Congress Avenue, Austin, to consider applications requesting hearing scheduling and Commission action. The complete agenda is posted in the East Wing of the Capitol Building.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13207, Austin, Texas 78711, telephone (512) 475-4514.

Filed: January 30, 1976, 9:27 a.m.

Doc. No. 760642

Hearing

A hearing of the Texas Water Rights Commission will be held on Tuesday, March 9, 1976, 10 a.m., at the Stephen F. Austin State Office Building, 1700 North Congress, Austin, to consider Application No. 3567 by Daniel Davis Newson, for a permit pursuant to Section 5.141 of the Texas Water Code.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13207, Austin, Texas 78701, telephone (512) 475-4514.

Filed: February 2, 1976, 8:26 a.m.

Doc. No. 760662

Quasi-State Agencies

Meetings Filed January 29, 1976

The Middle Rio Grande Development Council, Project Review Committee, will meet at the City Hall in Uvalde, on February 11, 1976, at 3 p.m. Further information may be obtained from Elia Santos, P.O. Box 1461, Del Rio, Texas 78840, telephone (512) 775-1581.

The Gulf Bend Center, Board of Trustees, will meet at the Gulf Bend Center Conference Room, 2105 Port Lavaca Drive, Victoria, on February 11, 1976, at noon. Further information may be obtained from T. G. Kelliher, Jr., at P.O. Box 2238, Victoria, Texas 77901, telephone (512) 578-5262.

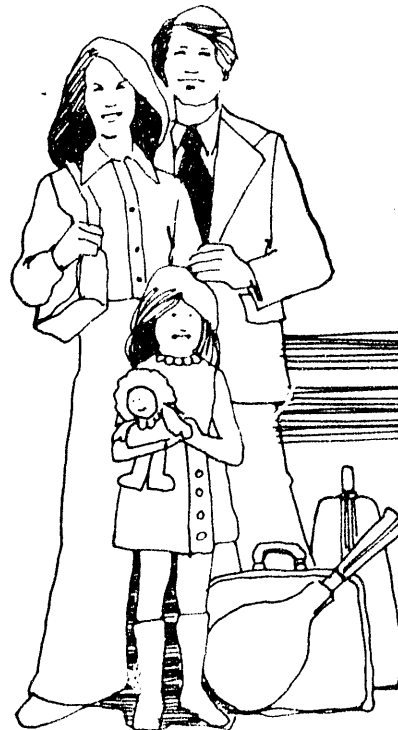
The Abilene Urban Transportation Study will meet at the District Office Conference Room in Abilene, on February 9, 1976, at 2 p.m. Further information may be obtained from Roger G. Welsch, at P.O. Box 150, Abilene, Texas 79604, telephone (915) 673-3761.

Doc. No. 760631

Meetings Filed January 30, 1976

The Harris County Water Control and Improvement District No. 74, Board of Directors, will meet at 4901 Sandydale, Houston, on February 2, 1976, 7 p.m. Further information may be obtained from Florine Dominick, Secretary, Board of Directors, at 4901 Sandydale, Houston, Texas 77039, telephone (713) 442-9072.

Doc. No 760659



Advisory Council for Technical-Vocational Education in Texas

Impact Conferences

The Advisory Council for Technical-Vocational Education in Texas will hold Impact Conferences throughout Texas to receive citizen input in determining local vocational needs and in evaluating local programs.

For additional information on these conferences, contact Nell Littrell, P.O. Box 1886, Austin, Texas 78767.

The following list gives the dates, times, and locations of the conferences.

Tuesday, February 10, 1976, 1:30 p.m., Paris Junior College, Paris

Tuesday, February 10, 1976, 7 p.m., Bryan High School, Bryan-College Station

Wednesday, February 11, 1976, 7:30 p.m., North Garland High School, Garland

Thursday, February 12, 1976, 9 a.m., Fort Wolters, Mineral Wells

Thursday, February 12, 1976, 7 p.m., Lufkin Civic Center, Lufkin

Thursday, February 12, 1976, 7 p.m., Community Center, Longview

Monday, February 16, 1976, 11:30 a.m., El Paso Public Schools, El Paso

Tuesday, February 17, 1976, 7 p.m., Tex Center, 2231 Arizona, El Paso

Wednesday, February 18, 1976, 9 a.m., City Assembly Hall, Beeville

Wednesday, February 18, 1976, 1:30 p.m., College Union Building, Amarillo

Thursday, February 19, 1976, 9 a.m., First National Bank, Kerrville

Thursday, February 19, 1976, 7 p.m., Performing Arts Center, 22nd and Vanburen, Amarillo

Monday, February 23, 1976, 9 a.m., Sweetwater High School, Sweetwater

Tuesday, February 24, 1976, 9 a.m., LaGrange ISD, LaGrange

Tuesday, February 24, 1976, 9 a.m., McClennan Community College, Waco

Wednesday, February 25, 1976, 1 p.m., Fort Worth ISD, Fort Worth

Thursday, February 26, 1976, 9 a.m., Stillwell Technical Center, 4801 Bryne Drive, Port Arthur

Thursday, February 26, 1976, 7 p.m., Southwest High School, Fort Worth

Thursday, March 4, 1976, McAllen (time and location to be announced)

Issued in Austin, Texas, on January 29, 1976.

Doc. No. 760628 Alton D. Ice
Executive Director
Advisory Council for Technical-
Vocational Education in Texas

Filed: January 29, 1976, 1:31 p.m.

For further information, please call (512) 475-2046.