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TEXAS REGISTER

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MAY 05 1976

TEXAS DOCUMENTS

In This Issue...

Food stamp eligibility revisions adopted by the Department of Public Welfare

Texas Education Agency proposed rule prohibiting collection of student fees

Proposed standards of quality for residential facilities of the Texas Department of Mental Health and Mental Retardation

Procedural rules adopted by the Texas Air Control Board, the Governor's Commission on Physical Fitness, and the Texas State Board of Examiners in Social Psychotherapy



A U.S. District Court has ruled that federal Housing and Urban Development (HUD) rent and mortgage supplements to low-income households may not be counted as income in determining food stamp eligibility. The State Department of Public Welfare has adopted rules reflecting this change in federal requirements, effective March 3, 1976, which provide for refunds or retroactive food stamp benefits to all households denied food stamps or required to pay higher rates for food stamps because of HUD housing supplements since October 8, 1975.

The Texas Department of Mental Health and Mental Retardation is proposing rules setting quality standards for residential facilities for the mentally retarded. The primary purpose of the proposed rules is to require facilities to meet Intermediate Care Facility for the Mentally Retarded standards set by the State Department of Public Welfare and approved by the federal Department of Health, Education, and Welfare. Once the facilities are certified, eligible clients will be able to have their costs paid by Medicaid benefits.

As a result of an opinion issued Attorney General John Hill last fall (H-702), the Texas Education Agency is proposing a rule prohibiting school districts from collecting certain student fees. If adopted, school districts could no longer collect fees for drivers education, classroom materials, band and other uniforms, club membership, lockers and towels, and vocational materials. The rule is intended to take effect on September 1, 1976.

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

Artwork: Gary Thornton

TEXAS REGISTER

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Appointments

Texas Advisory Council of the Legal Services Corporation

Pursuant to Public Law 93-355 and appointed April 13, 1976, for a one-year term to expire April 13, 1977:

Lewis T. Sweet, Jr.
6742 Lakeshore
Dallas, Texas

Eduardo R. Rodriguez
24 Poinsettia
Brownsville, Texas

Jack Miller
Judge of the 33rd Judicial District
Courthouse
San Saba, Texas 76877

Mr. Jim Cotten
208 East Oak
Weatherford, Texas

William H. Keys
5029 Greenbriar
Corpus Christi, Texas

Fritz Thompson
200 Bryan
Borger, Texas

Sam E. Carter
3006 Pecan Drive
Temple, Texas

Jimmy Middleton, Sr.
3612 Rio Vista
Houston, Texas

Appointed April 13, 1976, to be member and chairman:

Max N. Osborn
Associate Justice, Eighth Court
of Civil Appeals
Courthouse
El Paso, Texas 79901

Filed: April 26, 1976, 8:02 a.m.
Doc. No. 762219

State Board of Vocational Nurse Examiners

*Appointed April 19, 1976, for a six-year term to expire
September 6, 1981:*

Patsie Anderson, L.V.N.
501 North Camp
Uvalde, Texas 78801

Mrs. Anderson is replacing Mrs. Kenneth Otto of Need-
ville, Fort Bend County, whose term expired.

Filed: April 26, 1976, 8:02 a.m.
Doc. No. 762220

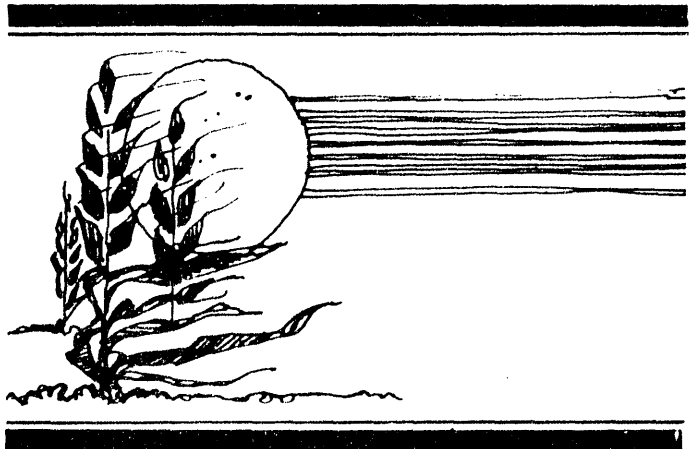
State Board of Public Welfare

*Appointed April 23, 1976, for a six-year term to expire
January 19, 1977:*

Raul Jimenez
616 Delaware
San Antonio, Texas

Mr. Jimenez is replacing George A. Butler of Houston,
Harris County, who resigned.

Filed: April 27, 1976, 10:04 a.m.
Doc. No. 762292



Requests for Opinions

Summary of Request for Opinion RQ-1369

Request for opinion sent to Attorney General's Opinion Committee by Curtis R. Wilkinson, County Attorney, County of Lamb, Littlefield.

Summary of Request: May Lamb County expend funds for a study of the feasibility of a county hospital authority with an expectation of repayment if the authority is created and revenue bonds are issued?

Filed: April 26, 1976, 10:38 a.m.
Doc. No. 762230

Summary of Request for Opinion RQ-1370

Request for opinion sent to Attorney General's Opinion Committee by Henry Wade, Criminal District Attorney, Dallas.

Summary of Request: Can Dallas County and Mesquite form a joint airport zoning board under Article 463, Vernon's Texas Civil Statutes, when the city has an option to purchase the airport amounting to a right of first refusal?

Filed: April 26, 1976, 10:38 a.m.
Doc. No. 762231

Summary of Request for Opinion RQ-1371

Request for opinion sent to Attorney General's Opinion Committee by Bob Bullock, Comptroller of Public Accounts, Austin.

Summary of Request: Are surviving spouses and children of disabled veterans who died prior to January 1, 1976, entitled to a tax exemption under Article 7150h, Sections 8 and 96, Vernon's Texas Civil Statutes?

Filed: April 26, 1976, 10:38 a.m.
Doc. No. 762232

Summary of Request for Opinion RQ-1372

Request for opinion sent to Attorney General's Opinion Committee by Melvin Rowland, Chairman, Texas Health Facilities Commission, Austin.

Summary of Request: Is a Veterans Administration hospital a person who must obtain a certificate of need or exemption certificate from the commission for a proposed project pursuant to the statute which created the Texas Health Facilities Commission, Article 4418(h), Vernon's Texas Civil Statutes?

Filed: April 26, 1976, 10:38 a.m.
Doc. No. 762233

Summary of Request for Opinion RQ-1373

Request for opinion sent to Attorney General's Opinion Committee by Elmo F. Parsons, Jr., District Attorney, Falls County, Marlin.

Summary of Request:

(1) Under Section 23A, Article 6687b, Vernon's Texas Civil Statutes, is it sufficient that the order of a court, finding an essential need for an occupational driver's license, set forth with certainty a manner of determining the specific time of such driving, or must the exact hours be set forth in such order?

(2) Upon receipt of the court order and compliance with the Texas Safety Responsibility Law (pertaining to liability insurance), is it mandatory or discretionary that the Department of Public Safety issue an occupational driver's license?

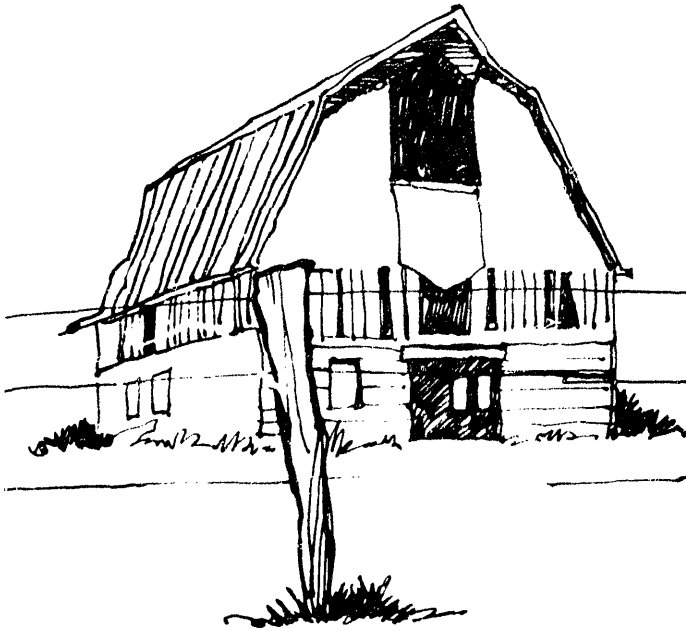
Filed: April 26, 1976, 10:37 a.m.
Doc. No. 762234

Summary of Request for Opinion RQ-1374

Request for opinion sent to Attorney General's Opinion Committee by E. L. Short, Chairman, House Intergovernmental Affairs Committee, Austin.

Summary of Request: If a justice precinct has a population of more than 75,000, is the commissioners court prohibited by this statute from transferring the justice court from the county courthouse to another building, such as the county jail or a separate county office building?

Filed: April 26, 1976, 10:37 a.m.
Doc. No. (512) 475-5445



Summary of Request for Opinion RQ-1375

Request for opinion sent to Attorney General's Opinion Committee by John Lawhon, District and County Attorney, Denton.

Summary of Request: The County Attorney of Denton County asks if six proposed plans to raise funds for charity by selling chances for a drawing of valuable prizes constitutes a lottery. Each plan involves distribution of prizes by a drawing and the differences in the plans involve the manner in which the tickets are distributed. They are: (1) selling tickets; (2) giving tickets to persons who make a specified donation; (3) giving tickets to persons who buy admission to a carnival; (4) giving tickets to persons who buy chances at a carnival game booth; (5) giving tickets to persons who purchase a commodity such as a box of candy; and (6) giving tickets to persons who purchase club membership.

Issued in Austin, Texas, on April 28, 1976.

Doc. No. 762323 C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

Filed: April 28, 1976, 11:32 a.m.

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

Opinions

Summary of Opinion H-808

Request from A. R. Schwartz, Chairman, Senate Jurisprudence Committee, Austin, concerning whether a peace officer's destruction of an arrest record pursuant to an official expungement policy is an offense under Section 37.10, Penal Code.

Summary of Opinion: Subject to judicial order and to the public's rights under the Open Records Act, a record of a person's arrest may be destroyed pursuant to the same authority by which it is maintained.

Filed: April 26, 1976, 10:37 a.m.

Doc. No. 762237

Summary of Opinion H-809

Request from Arthur C. Eads, County Attorney, Bell County, Belton, concerning payment of supplemental salary to county auditors pursuant to Article 1672, Vernon's Texas Civil Statutes, in counties having five or more improvement districts.

Summary of Opinion: Counties subject to the provisions of Article 1672, Vernon's Texas Civil Statutes, and in which there are as many as five special districts having as their purpose the expenditure of public funds for public improvements are required by the statute to pay at least \$1,200 additional compensation annually to the county auditor for services he is required by law to render in connection with such districts. Although a county auditor who has engaged in official misconduct or is incompetent to discharge such duties may be removed, it is not within the discretion of the commissioners court to refuse payment of the statutory minimum to a county auditor in office.

Filed: April 26, 1976, 10:36 a.m.

Doc. No. 762238

Summary of Opinion H-810

Request from Bob Bullock, Comptroller of Public Accounts, Austin, concerning refund of admissions taxes collected under an unconstitutional statute.

Summary of Opinion: There is an appropriation in the General Appropriations Bill enacted by the 64th Legislature which authorizes the comptroller to pay legal and valid refunds of taxes paid through mistake of law or fact.

Filed: April 26, 1976, 10:36 a.m.

Doc. No. 762239

Summary of Opinion H-814

Request from Robert H. Green, Chairman, Texas State Board of Landscape Architects, concerning whether members of professions exempted from the Landscape Architects Act may represent that they are landscape architects even though they are not licensed as such.

Summary of Opinion: Members of professions exempted from Article 249c, while they need not comply with the statute's licensing provisions while engaged within the ordinary and proper scope of their respective professions, may not represent themselves as landscape architects unless they are licensed as such.

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

Doc. No. 762322 C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

Filed: April 28, 1976, 11:32 a.m.

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

Open Records Decisions

Summary of Open Records Decision 125

Request from Noel Grisham, Superintendent, Round Rock Independent School District, Round Rock, concerning whether contract for purchase of land is available under the Open Records Act.

Summary of Decision: A contract for the purchase of land for a school building was held to be public under the Open Records Act, when the school district did not assert that it fell within a Section 3 exception.

Issued in Austin, Texas, on April 22, 1976.

Doc. No. 762229 C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

Filed: April 26, 1976, 10:38 a.m.

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

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

Numbering System-- Each rule is designated by a unique 10-digit number which is divided into four units by decimal points. The first unit (three digits) indicates the agency which promulgates the rule. The second unit (two digits) indicates the 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 Health Facilities Commission

Supplementary Rules and Regulations

Additional Certificate of Need Criteria 315.07.07

Due to the current and increasing number of applications being filed which request a certificate of need under Article 4418(h), Vernon's Annotated Civil Statutes, for the acquisition and installation of computerized axial tomographic scanners in health care facilities; and due to the innovative and recent nature of such technology, and the lack of established criteria for such technology; and due to the high cost of acquisition, the commission finds that an imminent peril exists to the public health, safety, and welfare which requires that the following policy and procedures be promulgated for use in evaluating such applications.

This rule is proposed under the authority of Section 3.10(a) of Article 4418(h), Vernon's Annotated Civil Statutes.

.001. Additional Criteria for Computerized Axial Tomographic Scanners. It is the stated policy of the commission that computerized axial tomographic scanners are the subject of much national concern and debate. At this time there exists within the state no operational scanner, other than single purpose brain scanners, and the commission hereby adopts the policy that this equipment, due to the limited quantity of information available regarding economic feasibility, practical application, and operation should be made available on a selective basis to assure the prudent investment of capital funds and the development of significant information regarding the equipment.

The following criteria will be utilized in evaluating applications for certificate of need for the acquisition and operation of computerized axial tomographic scanners, with the exception of single purpose brain scanners, in addition to the criteria set forth in Rules 315.06.03.001-.012, and pursuant to Section 3.10(a), Article 4418(h), Vernon's Annotated Civil Statutes:

- (a) maximum physical accessibility and availability of the equipment to large populations with medical conditions reasonably susceptible to diagnosis through use of the equipment;
- (b) the capability of the operation of said equipment to be economically self-sustaining;
- (c) the ability of appropriate staff to make evaluations of the application of said equipment;
- (d) the willingness of the facility and staff to make frequent, periodic statistical reports to the commission and fully share with the commission information regarding the applications, economics, and operations of such equipment;
- (e) the willingness and capacity of an applicant to provide assistance in the areas of professional and technical training to facilities subsequently acquiring such equipment;
- (f) the ability to provide for and maintain adequately trained technical personnel.

Issued in Austin, Texas, April 27, 1976.

Doc. No. 762303 Melvin Rowland
Chairman
Texas Health Facilities
Commission

Effective Date: April 27, 1976

Expiration Date: August 26, 1976

For further information, please call (512) 475-6940.

PROPOSED RULES

1153

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

Numbering System-- Each rule is designated by a unique 10-digit number which is divided into four units by decimal points. The first unit (three digits) indicates the agency which promulgates the rule. The second unit (two digits) indicates the 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.

Comptroller of Public Accounts

Tax Administration

Sales Tax Division-- State Taxes 026.02.20

The Comptroller of Public Accounts is proposing to amend Rule 026.02.20.014. The proposed amendment to Section (1)(a) would alter the test for determining whether the lease of equipment with an operator constitutes the lease of equipment and the separate furnishing of an operator or the sale of a service, by making the intent of the parties and degree of control over the operator determinative, rather than concluding a sale of a service whenever the retailer retains control over the equipment by furnishing an operator.

Public comment on the proposed amendment to Rule 026.02.20.014 is invited. Persons should submit their comments in writing to Tom Henderson, Drawer SS, Capitol Station, Austin, Texas 78711.

This amendment is proposed under the authority of Article 20.11(A), Title 122A, Texas Civil Statutes.

.014. Rentals and Leases of Taxable Items.

(1)(a) *Whether a transaction in which equipment is furnished with an operator will be considered a lease of equipment and the separate furnishing of an operator, or whether such a transaction will be considered the sale of service only, will*

depend on the intention of the parties regarding what they consider to be the object of the sale and the degree of control over the operator exercised by the retailer and the customer. If the customer exercises direct control or supervision over the operator of the equipment, and if the customer is allowed to terminate whenever he chooses without regard to the final completion of the project for which the equipment and operator were secured, the transaction will be considered a lease of equipment and the separate furnishing of an operator. [A transaction in which equipment is furnished with an operator and/or supervisor is not considered to be a lease, where the person furnishing the equipment retains control thereof through his employee or agent who operates or supervises use of the equipment.]

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

Doc. No. 762325 Bob Bullock
Comptroller of Public Accounts

Proposed Date of Adoption: June 3, 1976

For further information, please call (512) 475-3825.

Coordinating Board, Texas College and University System

Financial Planning

General Provisions 251.03.02

The Coordinating Board, Texas College and University System, is proposing to amend Rule 251.03.02.002, which specifies the financial reporting system for public junior colleges.

The proposed amendment would change the date referenced in the rule to the current edition of the Coordinating Board's *Financial Reporting System for Public Junior Colleges in Texas*.

The proposed revised public junior college financial reporting system includes necessary revisions to audit requirements to correspond to the format specified in the third edition of *College and University Business Administration*. Also included are minor revisions to the elements of institutional costs which have been adopted by the Coordinating Board since the last revision of the reporting system in 1971.

Public comment on the proposed amendment to Rule 251.03.02.002 is invited. Comments may be submitted for a period of 30 days from the date of publication by telephoning the office of the Coordinating Board at (512) 475-4361, or by writing to the Coordinating Board at P.O. Box 12788, Capitol Station, Austin, Texas 78711.

The amendment to Rule 251.03.02.002 is proposed under the authority of Section 61.065, Texas Education Code.

.002. *Financial Reporting System for Public Junior Colleges.* Each public junior college shall maintain its financial records and submit reports to the Coordinating Board in accordance with the April, 1976 [1971], edition of the Coordinating Board's *Financial Reporting System for Public Junior Colleges in Texas*. Copies are available in the Coordinating Board offices.

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

Doc. No. 762307 Kenneth H. Ashworth
 Commissioner of Higher
 Education

Proposed Date of Adoption: July 16, 1976

For further information, please call (512) 475-2033.

ability to furnish educational supplies necessary for attaining an education. It is recognized that certain areas extend beyond this concept of free education. While maintaining the concept of free education, school district boards are prohibited from collecting certain fees as authorized in the policy.

Prohibited Fees

The following fees shall not be collected by school districts from any student during his or her regular three quarters:

- (1) Drivers education-- No fee or tuition may be charged for driver's education.
- (2) Classroom materials-- No fee may be charged for school supplies and instruction and lab fees in conjunction with normal academic, vocational, or physical education instruction or training.
- (3) Rental items-- No rental fee may be charged for band or other uniforms if such is the property of the school district.
- (4) Club membership-- No fee may be charged in locally sponsored clubs if membership is required in conjunction with an instruction program.
- (5) Lockers and towels-- No fee may be charged for the use of lockers and towels owned by the school district.
- (6) Vocational-- No fee may be charged for basic materials for teaching skills.

Issued in Austin, Texas, on April 19, 1976.

Doc. No. 762309 M. L. Brockette
 Commissioner of Education

Proposed Date of Adoption: September 1, 1976

For further information, please call (512) 475-2268.

Texas Education Agency

School Districts

Pupil Relationship 226.23.04

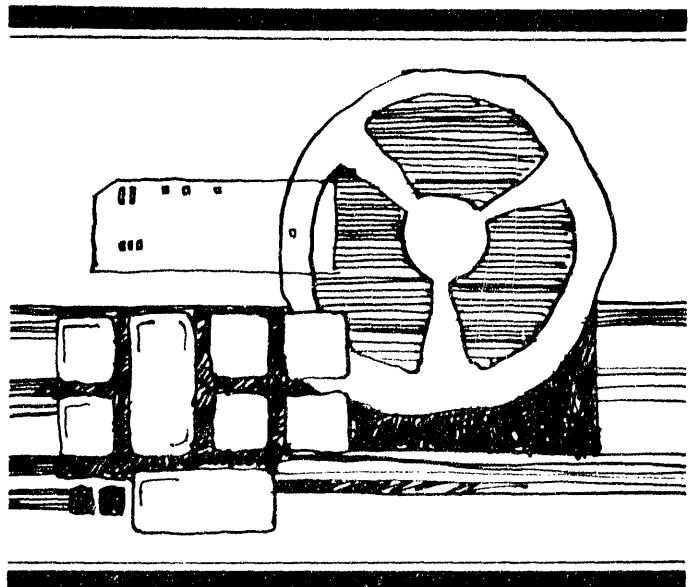
The State Board of Education proposes to adopt Rule 226.23.04.130 concerning school district collection of student fees. The rule is proposed in response to Attorney General's Opinion H-702.

Public comment on the proposed adoption of Rule 226.23.04.130 is invited. Comments may be submitted by telephoning the office of Dr. J. B. Morgan, Associate Commissioner for Policies and Services, at (512) 475-4789, or by writing to him at 201 East 11th Street, Austin, Texas 78701.

This rule is promulgated under the authority of Sections 11.02, 11.26, and 11.52, Texas Education Code.

.130. *School District Collection of Student Fees.* General Policy

Public education for the children of Texas shall be free and no pupil shall be denied an education because of in-



Texas Department of Mental Health and Mental Retardation

Rules of the Commissioner of MH/MR Affecting Client (Patient) Care

Standards of Quality of Services for Residential Facilities for the Mentally Retarded 302.04.29

The Texas Department of Mental Health and Mental Retardation is proposing to adopt Rules 302.04.029.001-.010, which would officially designate the standards of quality of services to be met by its residential facilities for the mentally retarded.

The proposed rules would require residential facilities for the mentally retarded of the department to strive to meet and maintain certain standards of quality of services for residential mental retardation facilities. The proposed rules would designate, as first priority, the meeting of the Standards of Intermediate Care Facility Services for the Mentally Retarded or Persons with Related Conditions (ICF/MR), and, as second priority, the meeting of the standards promulgated by the Accreditation Council for Facilities for the Mentally Retarded of the Joint Commission on the Accreditation of Hospitals (JCAH/ACFMR).

The desired effect of the rules requiring facilities to strive to meet and become certified under the ICF/MR standards is to assure the citizens of the State of Texas that the facilities are providing quality care and treatment to mentally retarded clients on a continuing basis. Certification under the ICF/MR standards is evidence of the fact that quality care and treatment is being provided. Another advantage of ICF/MR certification would be that eligible clients would be able to have their cost of support, maintenance, and treatment paid by the Medicaid benefits to which they are entitled.

The desired effect of the rules requiring facilities to strive to meet and become accredited under the appropriate JCAH/ACFMR standards is to assure the people of this state that the facilities are providing quality care and treatment, as defined by independent mental retardation professionals, to mentally retarded clients on a continuing basis. Accreditation under the JCAH/ACFMR standards is evidence of the fact that such quality care and treatment is being provided.

Public comment on the proposed rules is invited. Persons should submit their comments in writing to Dr. Kenneth D. Gaver, Commissioner, Texas Department

of Mental Health and Mental Retardation, P.O. Box 12668, Capitol Station, Austin, Texas 78711.

These rules are proposed under the authority of Section 2.11(b), Article 5547-202, Texas Civil Statutes.

.001. Purposes. The purpose of these rules is to officially designate standards of quality of services to be met by residential facilities for the mentally retarded of the Texas Department of Mental Health and Mental Retardation.

.002. Application. These rules apply to all residential facilities for the mentally retarded of the Texas Department of Mental Health and Mental Retardation.

.003. Definitions and Background Information. As used in these rules the following terms have the indicated meaning:

(1) "Joint Commission on Accreditation of Hospitals" (JCAH) formed in 1951, is a not-for-profit, non-governmental corporation sponsored by the following four major hospital and medical organizations which are its member organizations:

- (A) the American College of Physicians,
- (B) the American College of Surgeons,
- (C) the American Hospital Association, and
- (D) the American Medical Association.

Until 1965, the joint commission had established standards and an accreditation program only for general hospitals, but in 1966, 1969, and 1970, the JCAH developed separate standards and accreditation programs for long-term care facilities, facilities for the mentally retarded and psychiatric facilities. Each of these programs is directed by an accreditation council for the joint commission.

(2) "Accreditation Council for Facilities for the Mentally Retarded" (ACFMR) means the accreditation council of JCAH charged with developing standards, developing survey procedures and making accreditation decisions for residential facilities for the mentally retarded.

(3) "Residential facility for the mentally retarded" means any department facility that provides 24-hour services, including domiciliary services for the mentally retarded.

(4) "Accreditation" means that JCAH has determined that a facility is meeting JCAH/ACFMR standards, on a continuing basis, to such an extent as to insure quality care and treatment of clients.

(5) "Certification" by the State Department of Public Welfare (DPW) means that the Texas Department of Health Resources has determined that a facility is meeting Standards for Intermediate Care Services in Facilities for the Mentally Retarded or Persons with Related Conditions (ICF/MR), on a continuing basis, as promulgated by DPW and approved by the

U.S. Department of Health, Education, and Welfare, to such an extent as to insure quality care and treatment of clients.

(6) "Department" means the Texas Department of Mental Health and Mental Retardation.

(7) "ICF/MR" means Standards for Intermediate Care Facility Services for the Mentally Retarded or Persons with Related Conditions. These standards are codified in Section 249.13 of Part 249 of Title 45 of the Code of Federal Regulations.

(8) "JCAH/ACFMR" means Standards of Residential Facilities for the Mentally Retarded and Standards for Community Agencies Serving Persons with Mental Retardation and Other Developmental Disabilities. These standards are promulgated by the Accreditation Council for Facilities for the Mentally Retarded of the Joint Commission on Accreditation of Hospitals.

.004. *The Department's Intention of Meeting Standards of Quality of Services on a Priority Basis.* It is the intention of this department that all eligible residential facilities for the mentally retarded shall meet the following Standards of Quality of Services on a priority basis as listed in:

(1) Standards for Intermediate Care Facility Services for the Mentally Retarded or Persons with Related Conditions, commonly referred to as ICF/MR;

(2) Standards for Residential Facilities for the Mentally Retarded and Standards for Community Agencies Serving Persons with Mental Retardation and Other Developmental Disabilities, commonly referred to as JCAH/ACFMR.

.005. *Each Residential Facility for the Mentally Retarded Required to Have a Quality of Services Coordinator.* Each residential facility for the mentally retarded shall have a Quality of Services Coordinator on its staff whose function is to plan, implement, monitor, and evaluate achievement of and adherence to Department Standards of Quality of Services adopted by these rules.

.006. *ICF/MR Standards Designated as "First Priority."* ICF/MR standards are designated as "First Priority" among Standards of Quality of Services to be achieved. Each residential facility for the mentally retarded will make every effort to:

(1) secure ICF/MR certification for the maximum number of beds available and feasible;

(2) remove deficiencies identified on its plan of correction;

(3) remove deficiencies identified on its plan of compliance;

(4) place eligible clients in ICF/MR certified beds; and

(5) maintain certification as an ICF/MR facility.

.007. *JCAH/ACFMR Standards Designated as "Second Priority."* JCAH/ACFMR standards are designated as "Second Priority" among Standards of Quality of Services to be achieved. While efforts should be made to achieve JCAH/ACFMR accreditation, first emphasis should be on achievement and maintenance of ICF/MR certification. Each residential facility for the mentally retarded will make every effort to:

(1) coordinate compliance with ICF/MR and JCAH/ACFMR standards; and

(2) secure JCAH/ACFMR accreditation once ICF/MR certification has been secured and identified ICF/MR deficiencies removed.

.008. *Distribution.* These rules shall be distributed to all members of the Texas Board of Mental Health and Mental Retardation; assistant commissioners, deputy commissioners, directors, and section chiefs of central office; superintendents and directors of state hospitals and staff schools, directors of human development centers, the directors of the Texas Research Institute of Mental Sciences, and the director of Rio Grande State Center for Mental Health and Mental Retardation.

.009. *Reference.* Reference is made to the following regulations and standards:

(1) Standards of Intermediate Care Facility Services for the Mentally Retarded or Persons with Related Conditions. These standards are codified in Section 249.13 of Part 249 of Title 45 of the Code of Federal Regulations.

(2) The following standards promulgated by the Accreditation Council for Facilities for the Mentally Retarded of the Joint Commission on Accreditation of Hospitals:

(A) Standards for Residential Facilities for the Mentally Retarded, 4th Printing, 1974.

(B) Standards for Community Agencies Serving Persons with Mental Retardation and Other Developmental Disabilities.

.010. *Effective Date.*

(a) These rules become effective 20 days after they are filed as adopted rules with the Texas Register Division of the Office of the Secretary of State.

(b) On the effective date of these rules all other instructions, verbal or written, on this subject are rescinded.

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

Doc. No. 762280 Kenneth D. Gaver, M.D.
Commissioner
Texas Department of Mental
Health and Mental Retardation

Proposed Date of Adoption: June 3, 1976

For further information, please call (512) 475-3761.



State Department of Public Welfare

General Information

Temporary Adoptions 326.01.01.002

The Department of Public Welfare proposes to amend its rule which adopts by reference the *Food Stamp Handbook* to reflect planned revisions to three areas.

Revisions to Sections 4121 and 5820 clarify the language of the policy that food stamp households are entitled to the ineligible alien income deduction only when the alien is a part of the household's economic unit and has income. This revision also points out that if the total income received by the ineligible alien is less than the amount of a one-person coupon allotment, only the actual amount of the alien's income is deductible.

Revisions to Sections 2310 and 2320 classify as non-public assistance for purposes of food stamp certification all households without children whose members are recipients of assistance under the Indochina Migration and Refugee Assistance Act of 1975 or Cuban Refugee Program. This revision is proposed in response to a directive from the United States Department of Agriculture (USDA).

Section 4122.6, Non-Recurring Lump Sum Benefits, is revised to include retroactive payments for Aid to Families With Dependent Children (AFDC), Veterans' Administration (VA) benefits, and other past due, non-recurring payments as a resource when received. This revision, as the one about ineligible aliens above, results from a policy interpretation provided by USDA at the request of the department.

The revisions reflected in this proposed amendment, if it is adopted, would apply to all other departmental publications containing corresponding rules.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 176/177/202, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*.

The amendment is proposed under the authority of Article 695c, Texas Civil Statutes.

.002. *Food Stamp Handbook*. The Department of Public Welfare adopts by reference the rules contained in the policy and procedure narrative sections of the *Food Stamp Handbook as amended in April, 1976*.

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

Doc. No. 762281 Raymond W. Vowell
Commissioner
State Department of Public
Welfare

Proposed Date of Adoption: June 3, 1976

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

326.01.01.006

The Department of Public Welfare proposes to amend its rule adopting by reference the *Medicaid Eligibility Handbook* to reflect a proposed revision to Section 5521, Level of Care for Applications.

To qualify for Medicaid vendor payments in nursing homes and state schools, it must be determined that an individual is in need of one of the three defined levels of nursing home care or that he or she could benefit from intermediate care for the mentally retarded. The section being revised describes the administrative requirements for level of care determinations for applicants. The department proposes to add a sentence which clarifies that in most cases a new level of care determination is required on a reapplication only when the previous one has expired.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 228, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*.

The amendment is proposed under the authority of Articles 695c and 695j-1, Texas Civil Statutes.

.006. *Medicaid Eligibility Handbook*. The Department of Public Welfare adopts by reference the rules contained in the policy and procedures narrative sections of the *Medicaid Eligibility Handbook as amended in May, 1976*.

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

Doc. No. 762282 Raymond W. Vowell
 Commissioner
 State Department of Public
 Welfare

Proposed Date of Adoption: June 3, 1976

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

326.01.01.040

The Department of Public Welfare proposes to amend its rule adopting by reference the *Social Services Handbook* narrative section. The proposed amendment reflects changes in Sections 2200, 5130, 6110, 6331.23, 6331.3, 7123, 7123.1, and 8230. The changes affect eligibility requirements for social services and result from new federal regulations for Title XX services.

The proposed amendment contains three major changes in eligibility determination for Title XX social services. The existing rules require that each person making application for a social service must provide documentation of all income received by each member of the family. Eligibility determination is not made solely on the basis of the application, but also requires verification of statements made on the application. Under the proposed amendment, eligibility would be determined on the basis of an application, listing all appropriate sources of income, dated and signed by the applicant under penalty of fraud. This is a less stringent process than the existing procedure.

For protective services cases, the proposed amendment would require that eligibility be determined by documenting the person's need for these services on a form prescribed by the department. This serves to formalize the procedure for eligibility determination in these cases. The existing rules do not provide for a uniform procedure throughout the state.

The proposed amendment also includes a new definition of a family which is less restrictive and which should simplify the application process. Under the existing rules, a family includes all related persons living in one household. The proposed amendment would define a family as the basic family unit, thereby making the family group smaller.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 273, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*.

A public hearing to consider this proposed amendment has been scheduled for Tuesday, May 18, 1976, 9 a.m., in Room 411, John H. Reagan Building, Austin. Those wishing to make oral or public comment may do so at that time.

This amendment is proposed under the authority of Article 695c, Texas Civil Statutes.

.040. *Social Services Handbook*. The Department of Public Welfare adopts by reference the rules contained in the policy and procedure, narrative sections of the *Social Services Handbook as amended in May, 1976*.

Issued in Austin, Texas, on April 28, 1976.

Doc. No. 762334 Raymond W. Vowell
 Commissioner
 State Department of Public
 Welfare

Proposed Date of Adoption: June 3, 1976

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

326.01.01.052

The Department of Public Welfare proposes to repeal its rule adopting by reference medical transportation forms. The forms are being revised, and only one of the original five will contain rules to be adopted by reference. That form, the Application for Certification as Individual Provider, is referenced in Proposed Rule 326.43.99.800.

The other forms (Individual Provider Agreement, Log of Requests for Service, Service Record, and Expenditure Report) are accounted for elsewhere in the rules about medical transportation. These forms, in their revised formats, will contain no unique rules. Repeal rather than amendment is proposed to remove the status of temporary adoption from the remaining referenced form.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 142, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*.

This repeal is proposed under the authority of Articles 695c and 695j-1, Texas Civil Statutes.

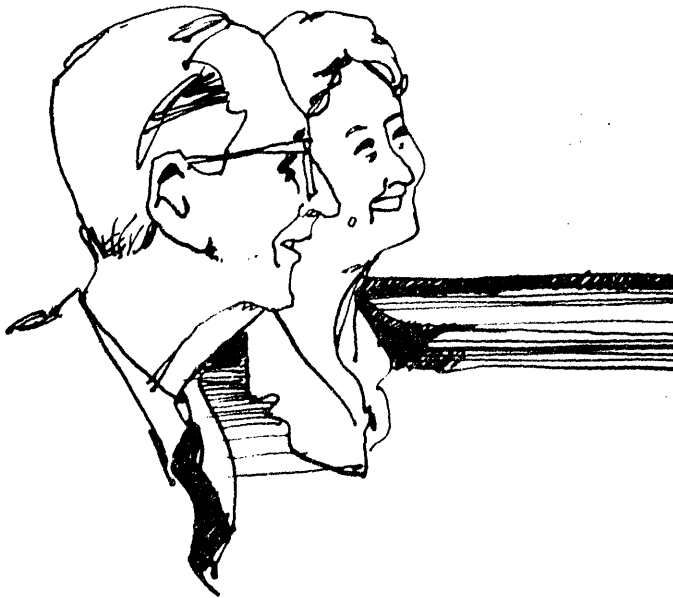
.052. Medicaid Transportation Forms. The Department of Public Welfare adopts by reference the rules contained in medical transportation Forms A-D and the Expenditure Report.

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

Doc. No. 782283 Raymond W. Vowell
 Commissioner
 State Department of Public
 Welfare

Proposed Date of Adoption: June 3, 1976

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



Adult Denture Program

Program Benefits 326.41.03

The Department of Public Welfare (DPW) is responsible for administering the Title XIX Adult Denture Program in Texas and has contracted with the Texas Department of Health Resources to act as the agent for

delivery of program benefits. Rules contained in the *Title XIX Adult Dentures Manual* were filed by DPW as existing rules.

The Department of Public Welfare proposes to amend its rules about program benefits. The changes primarily clarify the language of the rules.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 263, State Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*.

These amendments are proposed under the authority of Articles 695c and 695j-1, Texas Civil Statutes.

.001. Scope of Services.

(a) The following benefits are covered and payable with prior authorization:

- (1) complete upper denture, acrylic (high impact);
- (2) complete lower denture, acrylic (high impact);
- (3) upper partial with two or more gold or chrome clasps with rests, acrylic saddle without cast palatal bar;
- (4) lower partial with two or more gold or chrome clasps with rests, acrylic saddle without cast lingual bar;
- (5) upper partial with gold or chrome palatal bar and two or more clasps, acrylic saddle;
- (6) lower partial with gold or chrome lingual bar and two or more clasps, acrylic saddle.

The above denture services include all necessary adjustments and corrections *which the provider (dentist) feels are required to make the appliance(s) functional* [for a period of three weeks after seating the denture(s)].

(b) All dentures must be newly fabricated in a dental laboratory registered in Texas, or in the provider's own office facilities by legally qualified personnel; all dentures must meet the standards established by the Texas Department of Health Resources and the Department of Public Welfare.

.003. Exclusions. There is no coverage for the following services:

- (a) oral examinations, radiographs, diagnosis, and pre-treatment estimate;
- (b) preparation of the mouth to accept dentures, such as extraction of teeth, removal of bony growths, reconstruction of the soft tissues, or other surgical procedures;
- (c) denture repairs;
- (d) emergency treatment;
- (e) inpatient hospital dental services;

- (f) services performed in a commercial laboratory not registered in the State of Texas;
- (g) immediate dentures (*partial and full*);
- (h) relines.

.004. Prior Authorization Standards for Full and Partial Dentures.

(b) Period following extractions or dental surgery. Immediate full *and partial* dentures are not covered for payment. This means that authorization for construction of full denture will not be given prior to six weeks following the patient's last dental surgical procedure.

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

Doc. No. 762284 Raymond W. Vowell
 Commissioner
 State Department of Public
 Welfare

Proposed Date of Adoption: May 2, 1976

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

Claims 326.41.05.002

The Department of Public Welfare (DPW) is responsible for administering the Title XIX Adult Denture Program in Texas and has contracted with the Texas Department of Health Resources to act as the agent for delivery of program benefits. Rules contained in the *Title XIX Adult Dentures Manual* were filed by DPW as existing rules.

The Department of Public Welfare proposes to amend its rule about claim denials for services rendered by denture providers. The proposed amendment specifically states that providers who make first impressions for dentures without prior authorization do so at their own risk. The amendment further provides that claims can be denied for dental procedures practiced contrary to the Laws Relating to the Practice of Dentistry.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 263, State Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*.

These amendments are proposed under the authority of Articles 695c and 695j-1, Texas Civil Statutes.

.002. Claims Denials. Claims may be denied under the following conditions:

- (a) ineligible recipient/patient and/or recipients/patients who have received previous services from Title XIX Denture Program; recipients/patients eligible under another third-party program;

(b) unauthorized or non-allowable services rendered;

(c) services not specifically covered by benefits of Title XIX Adult Denture Program;

(d) residents in a state-maintained institution;

(e) services rendered by a non-participating provider (dentist) or suspended provider (dentist);

(f) "no shows" - no service rendered;

(g) duplicate claims or claims for prosthesis previously paid for under the program;

(h) *delivery of dentures(s)* [services rendered] without prior authorization by Title XIX program. *Providers (dentists) may proceed with first impressions at their own risk. If for some reason the invoice claim submitted for authorization is denied, payment for first impressions is not covered by the program;*

(i) *dental practice procedures which are contrary to Laws Relating to the Practice of Dentistry as set forth by the Texas State Board of Dental Examiners.*

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

Doc. No. 762285 Raymond W. Vowell
 Commissioner
 State Department of Public
 Welfare

Proposed Date of Adoption: June 3, 1976

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

326.41.05.004

The Department of Public Welfare (DPW) is responsible for administering the Title XIX Adult Denture Program in Texas and has contracted with the Texas Department of Health Resources to act as the agent for delivery of program benefits. Rules contained in the *Title XIX Adult Dentures Manual* were filed by DPW as existing rules.

The Department of Public Welfare proposes the following rule which specifically states that if a date of authorization is missing on a claim invoice, the denture provider is not to proceed with service. The amendment is a clarification of the language in the *Title XIX Adult Dentures Manual* and is not a new change in policy.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 263, State Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*.

This rule is proposed under the authority of Articles 695c and 695j-1, Texas Civil Statutes.

.004. *Date of Authorization.* If the date of authorization is missing from the claim invoice, do not proceed with service. If the claim invoice is denied, no date will be reflected.

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

Doc. No. 762286 Raymond W. Vowell
Commissioner
State Department of Public
Welfare

Proposed Date of Adoption: June 3, 1976

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

Support Documents 3-6.41.99

The Department of Public Welfare (DPW) is responsible for administering the Title XIX Adult Denture Program in Texas and has contracted with the Texas Department of Health Resources to act as the agent for delivery of program benefits. Rules contained in the *Title XIX Adult Dentures Manual* were filed by DPW as existing rules.

The Department of Public Welfare proposes to amend Rule 326.41.99.200 about reimbursement to providers of dentures by specifying that payment for services rendered is based upon the lesser of either the provider's usual fee or the maximum limitation fee set by the department. Also proposed is an amendment to Rule 326.41.99.400 to add compliance with the Laws Relating to the Practice of Dentistry to the agreement between a provider and the Texas Department of Health Resources. Other proposed changes involve only a clarification of the language of the rules.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 263, State Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*.

These amendments are proposed under the authority of Articles 695c and 695j-1, Texas Civil Statutes.

.200. *Reimbursement: Maximum Payment per Denture Unit.* Payment will be made on a fee-for-service basis including laboratory costs, not to exceed the current maximum per unit as listed immediately below.

(a) Complete Dentures: complete upper denture, acrylic (high impact), \$160; complete lower denture, acrylic (high impact), \$160.

(b) Partial Dentures: upper with two or more gold or chrome clasps with rests, acrylic saddle without cast palatal bar, \$135; lower with two or more gold or chrome clasps with rests, acrylic saddle without cast lingual bar, \$135; upper with gold or chrome palatal bar

and two or more clasps, acrylic saddle, \$180; lower with gold or chrome lingual bar and two or more clasps, acrylic saddle, \$180.

(c) The above *denture services* [fees for dentures] include all necessary corrections and adjustments *which the provider (dentist) feels are required to make the appliance(s) functional* [for a period of three weeks after seating the denture(s)].

(d) *Payment is based upon the lesser of the provider's usual fee or the maximum limitation fee set forth by the program.*

.400. *Agreement for Participation in Title XIX Adult Denture Program.* To participate in the Title XIX Adult Denture Program, a provider (dentist) must sign an agreement with the Texas Department of Health Resources. The agreement must be certified by the State Board of Dental Examiners. The provider agrees:

(a) that participation in the Title XIX Adult Denture Program is on a voluntary basis, and that the agreement can be terminated at any time without mutual consent, by giving 30 days' written notice to the other party;

(b) that patients have a free choice of providers and providers have the right of choice of patients;

(c) to provide authorized dental services in accordance with the fees and reimbursement policies established for the program;

(d) that he will obtain a signature from the recipient which certifies that *charges will not be made to the Department of Public Welfare under the agreement for denture(s) or other benefits which are covered by insurance or other third-party liability or otherwise provided for in the Texas Medical Assistance Program or which are otherwise available through other benefit programs* [the recipient is not eligible to receive denture services under any other third-party reimbursement program];

(e) to accept payment by the program as payment in full for the services rendered under the agreement and that no additional charges may be imposed upon the recipient except for optional services desired by the recipient which are beyond the available benefits of the program;

(f) to offer each recipient the benefits that are available under the program without cost; the recipient has the option of purchasing additional refinements or services that are not covered by the program;

(g) to treat each recipient with the same respect and professional consideration as other patients and provide services without regard to race, color, and national origin, in compliance with Title VI of the Civil Rights Act of 1964;

(h) to promptly notify the central office to the Title XIX Adult Denture Program of any change in office mailing address;

(i) to abide by the program operational instructions provided;

(j) to cooperate in any utilization review procedures established under the program;

(k) to maintain and retain for a period of three years from the date of services, or until all audit questions are resolved, whichever time is longer, all records necessary to properly reflect performance under the agreement and to accord authorized representatives of the state and federal government full access to said records;

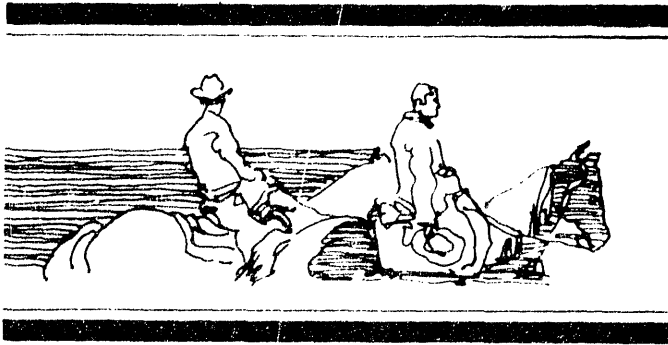
(l) to comply with the Laws Relating to the Practice of Dentistry as set forth by the State Board of Dental Examiners.

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

Doc. No. 762287 Raymond W. Vowell
 Commissioner
 State Department of Public
 Welfare

Proposed Date of Adoption: June 3, 1976

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



Medical Transportation

Support Documents 326.43.99

The Department of Public Welfare proposes to adopt by reference the revised medical transportation form, Application for Certification as Individual Provider, previously called Form A. It has been filed in the original format in Rule 326.01.01.052, repeal of which has been proposed. In addition to identifying information, the form calls for data about the applicant's automobile, health, and background.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 142, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*.

This rule is promulgated under the authority of Article 695c and 695j-1, Texas Civil Statutes.

.800. Application for Certification as Individual Provider. The Department of Public Welfare adopts by reference the rules contained in the medical transportation form titled Application for Certification as Individual Provider of Medical Transportation, and dated March, 1976.

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

Doc. No. 762288 Raymond W. Vowell
 Commissioner
 State Department of Public
 Welfare

Proposed Date of Adoption: June 3, 1976

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

Purchased Social Services

Billing Procedures 326.64.54

The Department of Public Welfare proposes the following rule which establishes additional minimum criteria for family planning providers to meet in order to be reimbursed by the department for follow-up office visits. The department proposes this rule as a clarification in response to questions from family planning providers regarding when it is proper to bill the department for a follow-up visit when it is associated with a patient's visit for the refilling of a contraceptive supply.

Written public comment on the following rule is invited and should be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 264, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*.

This rule is proposed under the authority of Article 695c, Texas Civil Statutes.

.016. Billing for Follow-up Office Visits. In order for it to be billed to the department, a follow-up office visit associated with the refilling of a contraceptive supply must include:

- (a) a structured interview making reasonably comprehensive inquiry into the health as related to the contraceptive method utilized by the patient; and
- (b) a minimum medical procedure of a blood pressure examination.

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

Doc. No. 762315 Raymond W. Vowell
 Commissioner
 State Department of Public
 Welfare

Proposed Date of Adoption: June 3, 1976

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

the alternative guarantee system does not require ownership of the underlying security for a call option or full cash equivalent for a put option (which, incidentally, is not traded by the OCC yet) the back-up system and other requirements imposed by the clearing agency system appear to adequately assure performance of the option.

Public comment on the proposed amendment to Rule 065.05.00.019 is invited. Interested persons should submit their written comments to Frank Arnold, Staff Legal Officer, State Securities Board, Box 13167, Capitol Station, Austin, Texas 78711. Comments will be accepted until May 31, 1976, or 30 days after the publication of this notice, whichever is later.

The amendment to Rule 065.05.00.019 is proposed under the authority of Section 28-1, Article 581, and Article 6252-13a, Vernon's Annotated Texas Civil Statutes.

.019. Guarantee of Options.

1. The broker-dealer guaranteeing the performance of the terms of the option must, on the date of the transaction, either be a member of the New York Stock Exchange or have stockholders' equity or partners' capital, according to generally accepted accounting principles, in excess of \$1 million.

2. A broker-dealer shall not

(A) write *call* options for its account to its customers unless performance of the *call* option is guaranteed by the ownership by such broker-dealer of shares of the underlying security free of encumbrances sufficient to fully perform the terms of the option; or,

(B) write *put* options for its account to its customers unless performance of the *put* option is guaranteed by sufficient unencumbered liquid net assets of the broker-dealer to fully perform the terms of the option.

3. The guarantee must be full and unconditional and must be maintained throughout the term of the option.

4. In lieu of the above three requirements, the Section 5.S(1) guarantee requirements will be satisfied if the option is issued by a clearing corporation recognized by the State Securities Board as satisfying all the following standards:

A. Performance of the option issued by the clearing corporation is guaranteed by the clearing corporation and by broker-dealers which are members of the issuing clearing corporation.

B. Every broker-dealer which is a member of the clearing corporation must be registered under the Federal Securities Exchange Act of 1934.

C. The clearing corporation must be registered as a national clearing agency under the Securities Exchange Act of 1934, as amended, and

must agree to promptly file any amendments to the prospectus with the commissioner.

D. The option must either be "covered" and the underlying security on deposit with the clearing corporation or the clearing corporation must maintain adequate reserve funds and guarantee system to reasonably assure performance of the option.

E. Any other conditions the State Securities Board deems necessary to adequately protect the investing public.

Application for recognition by the State Securities Board may be made by any organized options clearing corporation. Clearing corporations recognized by the State Securities Board are:

A. Options Clearing Corporation; Chicago, Illinois.

Issued in Austin, Texas, on April 23, 1976.

Doc. No. 762258 Roy W. Mouer
Securities Commissioner
State Securities Board

Proposed Date of Adoption: June 3, 1976

For further information, please call (512) 475-4561.

Administrative Guidelines for Registration of Open-End Investment Companies 065.12.00

The State Securities Board is proposing to amend Rule 065.12.00.001 by setting out the various requirements for renewal applications, i.e., expired permits cannot be renewed; renewal applications should be filed at least one month prior to expiration; renewal applications must generally be completed within 60 days of expiration or they will be denied; prior to denial, applicant will be notified and given an opportunity to show compliance; 90-day financials will not be required in some circumstances.

The purpose of the amendment is to clarify the interaction of our agency policy and the Administrative Procedure Act on renewal applications for mutual funds. Public comment on the proposed amendment to Rule 065.12.00.001 is invited. Interested persons should submit their written comments to Frank Arnold, Staff Legal Officer, State Securities Board, Box 13167, Capitol Station, Austin, Texas 78711. Comments will be accepted until May 31, 1976, or 30 days after the publication of this notice, whichever is later.

The amendment to Rule 065.12.00.001 is proposed under the authority of Section 28-1, Article 581, and Article 6252-13a, Vernon's Annotated Texas Civil Statutes.

.001. Introduction.

(1) Generally open-end investment companies ("Mutual Funds") are registered for continuous offering, but under Texas law a securities permit can be issued for only one year. Since there is no statutory provision for the renewal of an expired permit, the expiration date should be noted with great care. *The following requirements are prescribed for renewal applications:* [Renewal applications should be filed approximately one month prior to the date of expiration.]

(A) *Renewal applications should be filed approximately one month prior to the date of expiration.*

(B) *A permit cannot be renewed if the renewal application is filed subsequent to the expiration date on the permit. However, when a timely and sufficient renewal application is filed on or before the expiration date, the authority of the existing permit is effective until the application is acted upon by the agency.*

(C) *Renewal applications for issuer's permits which have not been completed within 60 days after the expiration date of the permit being renewed will be denied unless the applicant satisfies the commissioner that the deadline should be extended. The preceding provision does not limit the power of the commissioner to deny a renewal application at any time after proper notice.*

(D) *Prior to denial of a renewal application, the applicant will be notified by certified or registered mail of the reasons alleged to warrant the denial and given an opportunity to show compliance with all requirements of law for renewal of the permit.*

(E) *Renewal applications for issuer's permits submitted by open-end mutual investment companies which have semiannual audited financial statements and are regulated by the SEC under the Securities Act of 1933, the Securities and Exchange*

Act of 1934, and the Investment Company Act of 1940, are not required to contain financial statements dated within 90 days of the date the application is filed.

(2) There is no exemption under Texas law for an unregistered mutual fund to accept unsolicited orders from Texas residents. Accordingly, all mutual fund shares must be registered and sold through a licensed broker-dealer, which may be the issuer itself. Included are no-load mutual fund shares. Because of the continuous nature of the offering, distributors must conform to the examination requirement of the Texas Securities Act. In all cases, quarterly sales reports must be filed within 30 days from the ending date of the quarter.

(3) All registered investment companies and unit investment trusts engaged in a continuous offering of securities must file a preliminary copy of each revised prospectus and each materially revised advisory agreement contemporaneously with the filing of such exhibits with the SEC and sufficiently far in advance to allow review and substantive comment prior to finalizing the documents.

(4) The guidelines also apply to the registration of closed-end investment companies, where applicable.

Issued in Austin, Texas, on April 23, 1976.

Doc. No. 762259 Roy W. Mauer
Securities Commissioner
State Securities Board

Proposed Date of Adoption June 3, 1976

For further information, please call (512) 475-4561.

ADOPTED RULES

1166

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

Numbering System-- Each rule is designated by a unique 10-digit number which is divided into four units by decimal points. The first unit (three digits) indicates the agency which promulgates the rule. The second unit (two digits) indicates the 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 has readopted Rules 131.02.01.001-.005 as a part of its Procedural Rules without change in the proposed text.

No comments were received with regard to the rules as proposed in Volume 1, Number 10, of the *Texas Register*, February 6, 1976.

Therefore, pursuant to the authority granted in Articles 6252-13a and 4477-5, Texas Civil Statutes, the Texas Air Control Board has adopted, Rules 131.02.01.001-.005, to read as follows:

.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 April 26, 1976.

Doc. No. 762250 Charles R. Barden, P.E.
Executive Director
Texas Air Control Board

Effective Date: May 26, 1976

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

Public Hearings-- General 131.02.02

The Texas Air Control Board has readopted Rules 131.02.02.001-.002 as a part of its Procedural Rules without change in the proposed text.

No comments were received with regard to the rules as proposed in Volume 1, Number 10, of the *Texas Register*, February 6, 1976.

Therefore, pursuant to the authority granted in Articles 6252-13a and 4477-5, Texas Civil Statutes, the Texas Air Control Board has adopted Rules 131.02.02.001-.002 to read as follows:

.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 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 April 26, 1976.

Doc. No 762251 Charles R. Barden, P.E.
Executive Director
Texas Air Control Board

Effective Date: May 26, 1976

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

Rulemaking Hearings 131.02.03

The Texas Air Control Board has readopted Rules 131.02.03.001-.004 as a part of its Procedural Rules without change in the proposed text.

No comments were received with regard to the rules as proposed in Volume 1, Number 10, of the *Texas Register*, February 6, 1976.

Therefore, pursuant to the authority granted in Articles 6252-13a and 4477-5, Texas Civil Statutes, the Texas Air Control Board has adopted Rules 131.02.03.001-.004 to read as follows:

.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 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 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 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 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 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 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 April 26, 1976.

Doc. No. 762252 Charles R. Barden, P.E.
Executive Director
Texas Air Control Board

Effective Date: May 26, 1976

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

Initiation of Other than Rulemaking Hearings 131.02.04

The Texas Air Control Board has readopted Rules 131.02.04.001-.004 as a part of its Procedural Rules without change in the proposed text.

No comments were received with regard to the rules as proposed in Volume 1, Number 10, of the *Texas Register*, February 6, 1976.

Therefore, pursuant to the authority granted in Articles 6252-13a and 4477-5, Texas Civil Statutes, the Texas Air Control Board has adopted Rules 131.02.04.001-.004 to read as follows:

.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 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 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 April 26, 1976.

Doc. No. 762253 Charles R. Barden, P.E.
Executive Director
Texas Air Control Board

Effective Date: May 26, 1976

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

Adjudicative Hearings 131.02.05

The Texas Air Control Board has readopted Rules 131.02.05.001-.023 as a part of its Procedural Rules without change in the proposed text.

No comments were received with regard to the rules as proposed in Volume 1, Number 10, of the *Texas Register*, February 6, 1976.

Therefore, pursuant to the authority granted in Articles 6252-13a and 4477-5, Texas Civil Statutes, the Texas Air Control Board has adopted Rules 131.02.05.001-.023 to read as follows:

.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 18 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 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 evidenti-

ary offers may be made and shall be noted in the record. Subject to these requirements, if a hearing will be expedited 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 a 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 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 findings, 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 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 15 copies to the central office of the Texas Air Control Board, located at 8520 Shoal Creek Boulevard, Austin, Texas 78758. The points pre-

sented 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 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 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 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 25 days after the date of rendition of the final decision or order, and agency action on the motion must be taken within 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 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 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, 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 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.

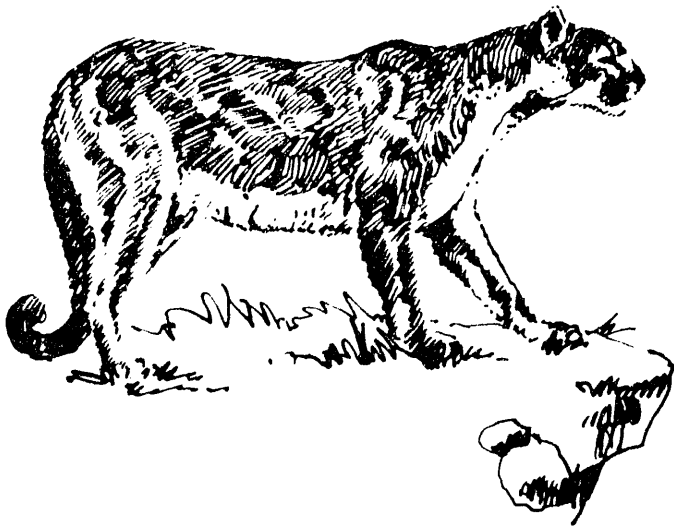
.023. Ex Parte Consultations. Unless required for the disposition of *ex parte* matters authorized by law, members of the board or employees of the board assigned to render a decision or to make findings of fact and conclusions of law in a contested case may not communicate, directly or indirectly, in 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 April 26, 1976.

Doc. No. 762254 Charles R. Barden, P.E.
Executive Director
Texas Air Control Board

Effective Date: May 26, 1976

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



Board Agenda 131.02.06

The Texas Air Control Board has readopted Rules 131.02.06.001-.004 as a part of its Procedural Rules without change in the proposed text.

No comments were received with regard to the rules as proposed in Volume 1, Number 10, of the *Texas Register*, February 6, 1976.

Therefore, pursuant to the authority granted in Articles 6252-13a and 4477-5, Texas Civil Statutes, the Texas Air Control Board has adopted Rules 131.02.06.001-.004 to read as follows:

.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 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, 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 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 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 April 26, 1976.

Doc. No. 762255 Charles R. Barden, P.E.
Executive Director
Texas Air Control Board

Effective Date: May 26, 1976

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

Miscellaneous 131.02.07

The Texas Air Control Board has readopted Rules 131.02.07.001-.006 as a part of its Procedural Rules without change in the proposed text.

No comments were received with regard to the rules as proposed in Volume 1, Number 10, of the *Texas Register*, February 6, 1976.

Therefore, pursuant to the authority granted in Articles 6252-13a and 4477-5, Texas Civil Statutes, the Texas Air Control Board has adopted Rules 131.02.07.001-.006 to read as follows:

.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 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 confined 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 April 26, 1976.

Doc. No. 762256 Charles R. Barden, P.E.
Executive Director
Texas Air Control Board

Effective Date: May 26, 1976

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

Control of Air Pollution from Nitrogen Compounds 131.09.00

On July 26, 1972, pursuant to the requirements of Section 3.09 of the Texas Clean Air Act, Article 4477-5, Texas Civil Statutes, the Texas Air Control Board modified Regulation VII to require control of nitrogen oxide emissions from existing gas-fired steam generating units of more than 600,000 lbs/hour maximum continuous steam capacity. The regulation applies to units operating only in the Dallas-Fort Worth and Houston-Galveston Air Quality Control Regions. On April 9, 1975, the Dallas Power and Light Company and the Houston Lighting and Power Company jointly recommended to the staff that Regulation VII be modified in order to exempt small generating units used as "peaking units." The units are used less than 30 percent of the time. The annual average emission of these units are less than that of exempt units of 600,000 lbs/hour operating 100 percent of the time.

The Texas Air Control Board proposed an amendment to Rule 131.09.00.001 by adding Section (e) in Volume 1, Number 19, of the *Texas Register*, March 9, 1976. A public hearing was held in Austin on April 6, 1976, to receive public comment on the proposed amendment.

The board has amended Rule 131.09.00.001 by adding Section (e) with two modifications in the proposed text.

The first modification is to clarify that Rule .001 does not apply to units of 600,000 lbs/hour maximum continuous steam capacity or less. The second modification changes the phrase "the annual operating hours of the unit" as proposed to "the number of hours in a year." This modification will simplify the exemption and insure that the exemption will apply to units that are not operated except for demand periods.

The first modification is based on comments received from the staff, Amoco Oil Company, Board of Trade-Port of Corpus Christi, and Houston Lighting and Power Company. The second modification is based on comments received from the staff, Dallas Power and Light Company, and Houston Lighting and Power Company.

In addition, Amoco Oil Company and Board of Trade-Port of Corpus Christi recommended modifying Section (a) of the rule to include Section (e). The board decided against this recommendation because Section (e) is an exemption and, therefore, does not have to be included in Section (a) to achieve its purpose.

The Texas Air Control Board, by authority of Article 4477-5, Texas Civil Statutes, has amended Rule 131.09.00.001 by adding Section (e) to read as follows:

.001. Gas-fired Steam Generating Rules.

(a) Rules 131.09.00.001(b), 131.09.00.001(c), and 131.09.00.001(d) shall apply only in the Dallas-Fort Worth and Houston-Galveston Air Quality Control Regions.

(b) No person may cause, suffer, allow, or permit emissions of nitrogen oxides, calculated as nitrogen dioxide, from any "opposed fired" steam generating unit of more than 600,000 lbs/hour maximum continuous steam capacity to exceed 0.7 lbs/million Btu heat input, maximum two-hour average, at maximum steam capacity. An "opposed fired" steam generating unit is defined as a unit having burners installed on two opposite vertical firebox surfaces.

(c) No person may cause, suffer, allow, or permit emissions of nitrogen oxides, calculated as nitrogen dioxide, from any "front fired" steam generating unit of more than 600,000 lbs/hour maximum continuous steam capacity to exceed 0.5 lbs/million Btu heat input, maximum two-hour average, at maximum steam capacity. A "front fired" steam generating unit is defined as a unit having all burners installed in a geometric array on one vertical firebox surface.

(d) No person may cause, suffer, allow, or permit emissions of nitrogen oxides, calculated as nitrogen dioxide, from any "tangential fired" steam generating unit of more than 600,000 lbs/hour maximum continuous steam capacity to exceed 0.25 lbs/million Btu heat input, maximum two-hour average, at maximum

steam capacity. A "tangential fired" steam generating unit is defined as a unit having burners installed on all corners of the unit at various elevations.

(e) Existing gas-fired steam generating units of more than 600,000 lbs/hour but less than 1,100,000 lbs/hour maximum continuous steam capacity are exempt from Rule 131.09.00.001, provided the total steam generated from the unit during any one calendar year does not exceed 30 percent of the product of the maximum continuous steam capacity of the unit times the number of hours in a year. Written records of the amount of steam generated for each day's operation shall be made on a daily basis and maintained for at least three years from the date of each entry. Such records shall be made available for inspection by employees of state and local agencies during regular business hours.

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

Doc. No. 762249 Charles R. Barden
Executive Director
Texas Air Control Board

Effective Date: May 26, 1976

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

Texas Health Facilities Commission

Procedures 315.05.00

Under the authority of Article 4418(h), Vernon's Annotated Civil Statutes, the Texas Health Facilities Commission has amended Rule 315.05.00.004 to read as follows:

.004. Notice of Hearing. Notice shall be given of all hearings held by the commission for the purpose of carrying out its duties and functions. Posting of notice of hearings shall conform to all laws governing posting and scheduling.

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

Doc. No. 762310 Melvin Rowland
Chairman
Texas Health Facilities
Commission

Effective Date: May 17, 1976

For further information, please call (512) 475-6940.

General Rules

Applications and Fees 315.06.02

Under the authority of Article 4418(h), Vernon's Annotated Civil Statutes, the Texas Health Facilities Commission has amended Rule 315.06.02.002 to read as follows:

.002. Fees.

(a) The following schedule of fees is established for certificate of need applications to be considered by the commission. Establishment of a fee schedule for applications and upper fee limits are authorized under Section 3.05 (Article 4418(h), Vernon's Annotated Civil Statutes).

The fee schedule will be examined from time to time to determine appropriateness of amounts to project cost level. For a certificate of need application, the fee is \$100 minimum; or .35 of 1 percent of total project cost, whichever is greater, not to exceed \$3,500.

(b) For exemption certificates and declaratory rulings, the fee schedule is set at \$50, until amended.

(c) For projects expanding services only or where cost is not calculable-- \$100.

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

Doc. No. 762311 Melvin Rowland
Chairman
Texas Health Facilities
Commission

Effective Date: May 17, 1976

For further information, please call (512) 475-6940.

Hearings 315.06.04

Under the authority of Article 4418(h), Vernon's Annotated Civil Statutes, the Texas Health Facilities Commission has amended Rule 315.06.04.002 to read as follows:

.002. Public Notice.

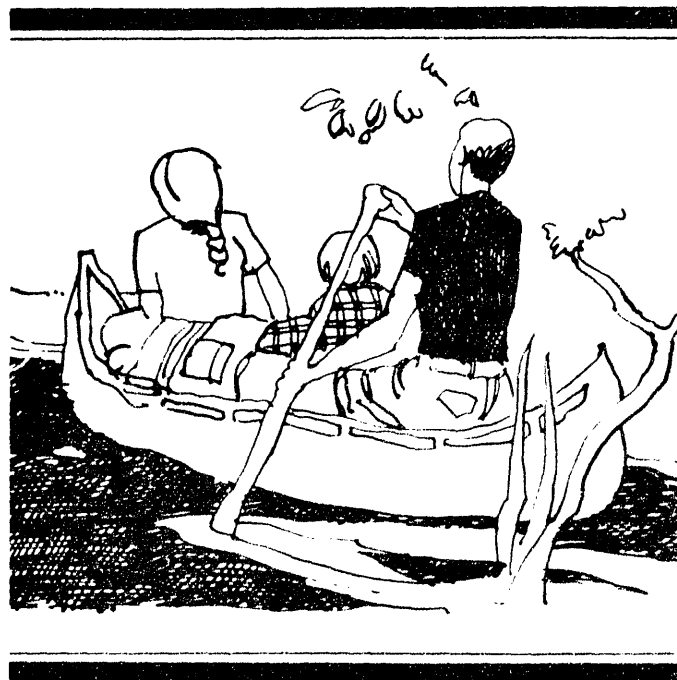
(a) Meetings. Public notice shall be given of all meetings (not hearings) held by the commission for the purpose of carrying out its duties and functions. Posting of public notice shall conform to all laws governing posting and scheduling.

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

Doc. No. 762312 Melvin Rowland
Chairman
Texas Health Facilities
Commission

Effective Date: May 17, 1976

For further information, please call (512) 475-6940.



Texas Parks and Wildlife Department

Parks

Park Entrance and Park User Fees 127.40.01

Under the authority of Section 49e, Article III, Constitution, and Chapters 13 and 21, Texas Parks and Wildlife Code, the Texas Parks and Wildlife Department has amended Rule 127.40.01.013 to read as follows:

.013. Documentation.

(s) For the purposes of this rule, the park user fee rates adopted by reference are amended by adding the train fares for the Texas State Railroad State Historical Park, which were considered and adopted by the Texas Parks and Wildlife Department in April, 1976.

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

Doc. No. 762308 Perry V. Spalding
Administrative Assistant
Texas Parks and Wildlife
Department

Effective Date: May 17, 1976

For further information, please call (512) 475-3220.



Governor's Commission on Physical Fitness

General Rules of Practice and Procedure

Rules and Regulations for Operations 304.01.01

The following rules are promulgated under the authority of Section 44, Article 4413, Vernon's Annotated Texas Statutes.

.001. Meetings. There shall be three regular meetings of the commission each calendar year, in January, in May, and in September, or as near these times as the commission may find practicable. This schedule may be increased or decreased by commission majority agreement dependent upon availability of funds or emergency provisions. Dates, times, and places shall be scheduled by the chairman upon the recommendation of the executive director and his staff with the best interest of the commission and the greatest representation of commission members as a consideration. The best interest of the commission in regard to convenience, funds, etc., must be considered in determining the sites of meetings. Other meetings may be called by the chairman or executive director whenever either deems it necessary or expedient. All meetings, except those of executive sessions, shall be open to the public.

.002. Officers. The officers of this commission shall be a chairman and a vice-chairman and such other officers as the commission shall from time to time elect.

(a) Elections.

(1) The chairman and vice-chairman shall be elected at the second regular meeting in even-numbered years (starting the first even-numbered year after the appointment or reappointment of five commission members) as prescribed by law, the constitution.

(2) Election of other officers may be at any time as determined by the commission. For the election of any officer, a simple majority vote of those present is needed, if members present constitute a quorum. Officers may be re-elected. Should resignation, death, or incapacity for any reason create a vacancy in the office of chairman or vice-chairman, the other officer shall, at the next regular meeting, conduct an election to fill the unexpired portion of the former officer's term.

(b) Duties of chairman and vice-chairman.

(1) The chairman shall preside at all meetings. In his absence, the vice-chairman shall preside, and shall assume all other duties as the constitution provides.

(2) The chairman shall approve all vouchers for expenditure of funds in excess of \$500, except those of monthly payrolls.

.003. Executive Director. The commission shall employ an executive director to serve as the chief administrative officer of the commission.

(a) Election.

(1) The executive director shall be appointed for an indefinite term.

(2) A special election for appointment or reappointment of the executive director shall be called by the chairman within 14 days of receipt of a written request of two-thirds of the commission as then constituted or within 14 days after the position becomes vacant. A two-thirds majority vote of those present, providing a quorum of eight or more members is present, is needed to appoint the executive director.

(3) Salary of the executive director shall be determined by the commission unless determined by the law and should be commensurate with other state agency administrative heads.

(b) Duties: The executive director shall:

(1) be the executive head of the commission and shall have the usual administrative responsibilities, including full authority to employ and hire all personnel necessary to the discharge of the agency's staff responsibility. He shall, however, consult with the commission on the creation of a position of any staff member who, although otherwise designated, acts as chief administrative assistant to the executive director;

(2) keep accurate account of the expenditure of funds appropriated to, or funds, gifts, equipment, or property acquired by the commission;

(3) keep full and accurate minutes of all transactions and minutes of the commission;

(4) establish, maintain, and be administratively responsible for any or all state agency headquarters or office which operates for the commission;

(5) be custodian of all files, records, libraries, promotional materials, etc., for the commission;

(6) in the interim periods between meetings, coordinate the activities of all commission members, consultants, or staff for maintenance of consistent policy and in the best interest of the commission;

(7) follow directives of the commission and operating procedure and laws of the state;

(8) furnish leadership in development of the objectives and purpose of the commission as prescribed by law, the constitution;

(9) keep the commissioners informed as to his and other related activities;

(10) prepare an annual report for the governor as prescribed by the constitution;

(11) release all promotion and publicity for the commission in a manner to be determined by the commission or hereafter set out in the by-laws;

(12) represent the commission in any and all matters for which no other provisions are covered; and

(13) provide bonding for his position as permitted by state law.

.004. *Funding.* The commission shall approve budget requests as prepared by the executive director and approve operating budgets of appropriated funds and funds from other sources as permitted by the constitution and administered by law.

.005. *Committees.* The commission may function with smaller units as committees or sub-committees in compliance with the constitution. (Among these committees may be included: special programs for certain age levels; research, publicity, and promotion; foundations and grants. These general areas may be divided into smaller groups such as speakers bureaus, public service announcements, approval or endorsement committee, etc.) The procedures and appointment of committees shall remain at the pleasure of the commission. The chairman of the commission shall be an *ex-officio* member of all committees unless appointed as a committee member. The executive director and commission chairman shall be *ex-officio* members, without votes, of each committee and shall provide agency and staff assistance as the committee from time to time may request or require.

The chairman, with commission consent, should appoint the members to standing and/or special committees and designate the committee chairman. In making

appointments, he shall attempt to utilize fully each member's professional background and special interests. He should also be cognizant of commission tenure in an attempt to insure maximum continuity of committee memberships. Every board member should be appointed to at least one committee assignment, unless the chairman receives a contrary request from a member.

It is recommended that as much committee work as possible be conducted through correspondence, through the executive director and agency headquarters, and that special time for committee meetings be provided at commission meetings when feasible.

.006. *Amending Rules and Regulations.* A called meeting of the commission with a simple majority vote of those present, providing a quorum of eight or more members is present, is needed to change or amend the by-laws.

Issued in Austin, Texas, on April 19, 1976.

Doc. No 762228 Albert A. Rooker
Executive Director
Governor's Commission on
Physical Fitness

Effective Date May 16, 1976

For further information, please call (512) 475-6718

State Department of Public Welfare

Food Stamps

Definition of Income 326.15.41

The Department of Public Welfare adopts the following rules effective March 3, 1976, pursuant to federal requirements. This change in federal requirements is the result of an order by the United States District Court for the Eastern District of California declaring that Section 2262.10 of the United States Department of Agriculture's Food and Nutrition Service Instruction 732-1 is invalid because it conflicts with Section 5(B) of the Food Stamp Act of 1964, as amended (Title 7 United States Code Annotated, Section 2014(B)).

As adopted the rules indicate that Federal Housing and Urban Development (HUD) supplements paid on behalf of low income households are not to be considered income for purposes of food stamp eligibility determination. All households that have been denied participation or received reduced benefits due to application of

this provision since October 8, 1975, will be eligible to receive retroactive benefits or refunds as appropriate. On adoption these rules supersede any other departmental policies which might be in conflict with them.

These rules have been adopted pursuant to federal requirements and in accordance with Section 10(a)(3) of Article 6252-13a, Texas Civil Statutes, and are promulgated under the authority of Article 695c, Texas Civil Statutes.

.015. HUD Housing Supplement Programs. HUD housing supplements paid on behalf of low income households under provisions of the Housing Act of 1937, as amended, or Section 101 of the Housing and Urban Development Act of 1965, as amended, are not considered income in determining eligibility for participation in the Food Stamp Program. This provision applies equally to rent and mortgage supplements.

.016. Refunds and Retroactive Benefits Resulting from Change in HUD Supplement Policy. Households whose food stamp benefits have been denied or reduced since October 8, 1975, as a result of counting as income their Housing and Urban Development (HUD) Supplements, are eligible for refunds or retroactive benefits, as appropriate. This also applies to households that received reduced benefits and were on a continuing certification on October 8, 1975. All such households are entitled to restoration of lost benefits for the entire month of October. (See Rule 326.15.41.015.) A public relations campaign will be directed by the Department of Public Welfare (DPW) to inform clients of the availability of these benefits. Clients will be responsible for requesting a review of their case to determine if an entitlement is due; otherwise, these benefits will be provided at the time of subsequent application or recertification.

(a) **Households Entitled to a Refund.** If a household is or has been participating in the Food Stamp Program at an increased purchase price due to inclusion of HUD vendor payments as income, a refund for that amount will be provided to the household under the normal refund procedures in the Food Stamp Handbook.

(b) **Households Entitled to Retroactive Benefits.** The three situations below involve households denied after October 8, 1975, solely because of application of the policy which included HUD vendor payments as income. All of these households are eligible for retroactive benefits. Households which meet the criteria in numbers 1 and 2 below, and have redeemed their May Authorization to Purchase (ATP) cards, will receive their adjusted benefits beginning June, 1976, at the earliest. If the household has not redeemed its machine-issued ATP for May, this ATP can be cancelled and replaced with a manual issuance to restore

lost benefits. Households described in number 3 will be processed when they contact their local office.

(1) Households which were denied but are currently certified will be issued a manual ATP(s) for 100 percent of their current monthly coupon allotment at zero or reduced purchased price. These ATPs will be issued for the number of months necessary to restore the benefits lost during the period of denial. Once the benefits have been restored, these households will continue participation based on normal certification. Retroactive benefits are provided in accordance with the *Food Stamp Handbook*.

(2) Households which were denied but are currently certified at zero purchase will receive increased coupon allotments, up to 150 percent of their current monthly coupon allotment, until retroactive benefits are restored.

(3) Households which were denied and are currently ineligible, even with HUD supplements excluded as income, will be issued manual ATPs at no cost for up to 100 percent of the monthly coupon allotment the household would be entitled to if currently eligible. The ATPs will be issued for the number of months necessary to restore the benefits lost during the period of denial. Once the benefits have been restored, these households will be dropped from the program.

(c) **Form 801 Required for Retroactive Benefits.** Households which are entitled to retroactive benefits as described in (b) above must complete a Form 801, Application for Participation in the Food Stamp Program, reporting all income, deductions, and resources during the period(s) their benefits were denied. Households denied for more than one month whose income or deductions increased more than \$25 during that period must complete separate Forms 801 for each month these changes occurred. If income and deductions were stable during the period of denial (that is, these amounts did not increase more than \$25) a single Form 801 covering the entire period is required.

The information provided in the form(s) will be used to construct whatever certification period(s) the household would normally have been assigned. The certification worker will then calculate the basis of issuance, excluding HUD housing supplement vendor payments as income and excess shelter deductions. The retroactive benefits due will be provided in accordance with (b) above.

(d) **Terminating Collection Action.** For households owing a balance on an action for repayment of an overissuance caused by omission of a HUD housing supplement, for a certification period subsequent to October 8, 1975, notification must be sent to the household to stop payments. Any client who has made payments on this type of claim is entitled to a refund or retroac-

tive benefits equal to the total amount of payment. Such entitlements are to be processed in accordance with this rule. Collection activities will continue for repayment cases submitted for certification periods prior to October, 1975.

(e) Right to Appeal. In the event of any dispute between the applicant for these refunds or retroactive benefits and DPW concerning the entitlement to or amount of benefits due, the applicant may appeal.

Issued in Austin, Texas, on April 28, 1976.

Doc No 762335 Raymond W. Vowell
Commissioner
State Department of Public
Welfare

Effective Date March 3, 1976

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

Texas Rehabilitation Commission

General Methods of Administration 328.08.00

Under the authority of Sections 30.13 and 30.17, Chapter 30, Education Code, Vernon's Texas Codes Annotated, the Texas Rehabilitation Commission has adopted Rule 328.08.00.007 to read as follows:

.007. Petition for Adoption of Rules

(a) Any interested person may petition the commission requesting the adoption of a rule.

(b) The term "rule" is used as defined in Section 3 of the Administrative Procedure and Texas Register Act.

(c) The petition must be in writing and should be addressed to the commissioner, Texas Rehabilitation Commission, in Austin, Texas. No format is prescribed for the petition other than as provided in these rules.

(d) The petition must specify or otherwise make clear that it is made pursuant to the provisions of the Administrative Procedure and Texas Register Act.

(e) The petition should clearly state the body or substance of the rule requested for adoption, and, if appropriate, relate the requested rule to an adopted rule or rules of the commission.

(f) The petition should be signed and should contain the full name and address of the petitioner. The commission may communicate with the petitioner to clarify the requested rule or for other relevant reasons.

(g) If the requested rule is a substantive rule, it will be placed on the agenda of the board of the commission at a scheduled meeting within 60 days of receipt and considered by the board at such meeting.

(h) If no formal meeting of the board is held within 60 days of the receipt of the requested rule, the rule may be considered by members of the board in any other way that the board conducts its business or by the commissioner if the disposition of the requested rule is within the established policies of the board.

(i) If the requested rule is not a substantive rule, it will be considered by the commissioner only.

(j) The board or the commissioner, as appropriate, will make disposition of each requested rule within 60 days of its receipt. If the petition is denied, the petitioner will be notified in writing stating the reasons for the denial. If the petition is adopted by the commission in whole or in part, the commission will initiate rulemaking proceedings in accordance with Section 5 of the Administrative Procedure and Texas Register Act and notify the petitioner in writing of the initiation of such proceedings.

Issued in Austin, Texas, on April 23, 1976.

Doc No 762321 Vernon H. Newman, Attorney
Office of the General Counsel
Texas Rehabilitation
Commission

Effective Date May 18, 1976

For further information, please call (512) 452-8192

State Securities Board General Administration 065.01.00

The State Securities Board has amended Rule 065.01.00.003 with one change in the proposed text: placing quotation marks around "cross reference." No comments were received on the proposed amendment.

Pursuant to Section 28-1, Article 581, and Article 6252-13a, Vernon's Annotated Texas Civil Statutes, the State Securities Board has adopted Rule 065.01.00.003 to read as follows:

.003. Application.

(1) Generally. All rules shall be applied collectively, to the extent relevant, in connection with specific adjudications made by the commissioner in the course of his regulatory functions. The commissioner will make his determination on the basis of specific characteristics and circumstances of the individual ad-

judications under consideration and in light of the basic statutory purposes for regulation in the particular area. The commissioner may, in his discretion, waive any requirement of any rule in situations where, in his opinion, such requirement is not necessary in the public interest or for the protection of investors. The captions of the various rules are for convenience only. Should there be a conflict between the caption of a rule and the text of the rule, the text will be controlling. Material denoted by a "cross reference" caption is not a rule or part of a rule.

(2) Investor Protection Standard. Conflicts between the investment banker and the best interest of the investing public will be resolved in favor of the investing public. Likewise, conflicts between existing securities holders and the best interest of the prospective investor will be resolved in favor of the prospective investor.

(3) Precedent. Because rules cannot adequately anticipate all potential application requirements, the failure to satisfy all regulatory standards of the board will not necessarily foreclose the possibility of a favorable disposition of the matter pending before the commissioner, and, similarly, the satisfaction of all such regulatory standards will not necessarily preclude an unfavorable disposition if the specific characteristics and circumstances so warrant. For this reason, the nature of the disposition of any particular matter pending before the commissioner is not necessarily of meaningful precedential value, and the commissioner shall not be bound by the precedent of any previous adjudication in the subsequent disposition of any matter pending before him.

Issued in Austin, Texas, on April 23, 1976.

Doc. No 762260 Roy W. Mouer
Securities Commissioner
State Securities Board

Effective Date May 17, 1976

For further information, please call (512) 475-4561.

Transactions Exempt from Registration 065.05.00.005

The State Securities Board has amended Rule 065.05.00.005 with no changes in the proposed text. No comments were received on the proposed amendments.

Pursuant to the authority of Section 28-1, Article 581, and Article 6252-13a, Vernon's Annotated Texas Civil Statutes, the State Securities Board has adopted Rule 065.05.00.005 to read as follows:

065. Transactions Involving Existing Security Holders.

(1) Section 5.E of the act includes any offer and any transaction pursuant to any offer by the issuer of its "securities" to any one or more of its "existing security holders" even though such offer or transaction does not relate to all existing holders of such securities or to all existing holders of a class or series thereof.

(2) A holder of a transferable warrant is not an "existing security holder" within the context of Section 5.E.

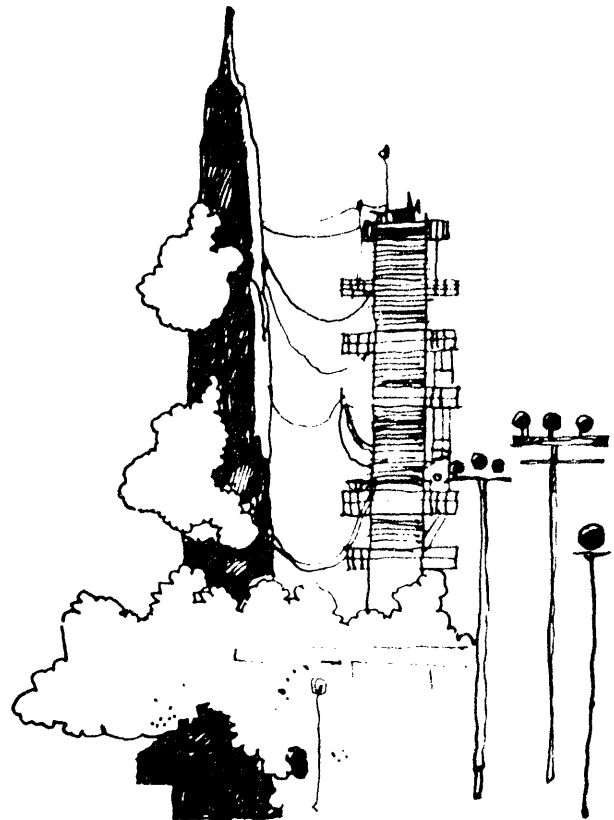
Cross Reference: For options excluded from meaning of "security" or "securities" and option holders excluded from meaning of "security holders," see Rule IV.B.25.

Issued in Austin, Texas, on April 23, 1976.

Doc. No 762261 Roy W. Mouer
Securities Commissioner
State Securities Board

Effective Date May 17, 1976

For further information, please call (512) 475-4561



065.05.00.008

The State Securities Board has amended Rule 065.05.00.008 with no changes in the proposed text. No comments were received on the proposed amendment.

Pursuant to the authority of Section 28-1, Article 581, and Article 6252-13a, Vernon's Annotated Texas Civil Statutes, the State Securities Board has adopted Rule 065.05.00.008 to read as follows:

.008. Savings Institutions. The term "savings institution," as used in Section 5.H of the Securities Act, includes any federally chartered credit union or savings and loan association and any credit union or savings and loan association chartered under the laws of any state of the United States.

Issued in Austin, Texas, on April 23, 1976.

Doc. No 762262 Roy W. Mouer
Securities Commissioner
State Securities Board

Effective Date: May 17, 1976

For further information, please call (512) 475-4561.

065.05.00.009

The State Securities Board has amended Rule 065.05.00.009 with no changes in the proposed amendment.

Pursuant to the authority of Section 28-1, Article 581, and Article 6252-13a of Vernon's Annotated Texas Civil Statutes, the State Securities Board has adopted Rule 065.05.00.009 to read as follows:

.009. Public Solicitation or Advertisements. This rule is intended to reflect the support of the Securities Board of the proposition that potential investors in transactions exempt under Section 5.1 of the act have a legitimate interest in receiving reasonable information concerning the plan of business and the financial condition of the issuer of the securities.

(1) The offer for sale or sale of the securities of the issuer would not involve the use of "public solicitation" under Section 5.1 of the act if the offer for sale or sale is made to sophisticated, well-informed investors or to well-informed investors who have a relationship with the issuer or its principals, executive officers, or directors evincing trust between the parties (namely close business association, close friendship, or close family ties), and who acquire the securities as ultimate purchasers and not as underwriters or conduits to other beneficial owners or subsequent purchasers. The use of a registered dealer in a sale otherwise meeting the requirements of Section 5.1 does not necessarily mean that the transaction involves the use of "public solicitation."

(a) The term "well-informed" could be satisfied through the dissemination of printed material to the prospective investor, which by a fair and factual presentation discloses the plan of business, the history, and the financial statements of the issuer, including material facts necessary in order that the statements made, in the light of circumstances under which they are made, not be misleading.

(b) In determining who is a "sophisticated investor" at least the following factors should be considered:

1. the financial capacity of the investor, to be of such proportion that the total cost of that investor's commitment in the proposed investment would not be material when compared with his total financial capacity;
2. knowledge of finance, securities, and investments, generally;
3. experience and skill in investments based on actual participation.

(2) The term "advertisements" does not include the use of the type of printed material as set out above under the discussion of the term "well-informed." Further, the main concept to be considered in a definitional analysis of the term "advertisements," as it is used in Section 5.1, is the method of use of the printed material. The following circumstances, though not intended to be exclusive, will be considered in determining whether the method of use of any printed material is within the limits of Section 5.1:

- (a) limited printing of the material;
- (b) limited distribution of the material only to persons within the limited classes;
- (c) control of the printing and distribution of the printed material;
- (d) recognition of the necessity of compliance with the above requirements on the part of the issuer and the investor. Such recognition might consist of a printed prohibition on the front in large type that the circular is for that individual's confidential use only, and may not be reproduced; and, the use of a statement warning that any action contrary to these restrictions may place such individual and the issuer in violation of the Texas Securities Act.

(3) For the purposes of Section 5.1, only one person or security holder shall exist if such security is offered to or acquired or held as an investment by (a) husband and wife, (1) as community property, (2) as joint tenants (with or without right of survivorship), or (3) as tenants by the entirety; or (b) as express trust, partnership, or corporation organized and existing other than for the purpose of acquiring the securities of the issuer for which the exemption is claimed.

(4) The phrase "the total number of security holders of the issuer" in Section 5.1(a) includes all security holders of the issuer without regard to their

places of residence (within or without the State of Texas) and without regard to where they acquired the securities. In determining the number of persons for purposes of Section 5.I(c), prior sales to persons residing outside the State of Texas and prior sales to Texas residents consummated outside the State of Texas shall be included.

(5) The phrase "exempt under other provisions of this Section 5" in Section 5.I(c) means exempt under any provisions of Section 5 other than Subsection I.

(6) No public solicitation or advertisement under Section 5.I occurs by the distribution to eligible employees of:

(a) a prospectus filed under the Securities Act of 1933 with the Securities and Exchange Commission for an employees' restricted stock option plan, qualified stock option plan, or employee stock purchase plan (as identified in the Internal Revenue Laws of the United States); or

(b) any other material required or permitted to be distributed by the Securities Act of 1933 in connection with such a plan.

(7) The phrase "an employees' restricted stock option" as used in Section 5.I(b) includes a qualified stock option, an employee stock purchase plan which meets the requirements of Sections 421 through 425 of Internal Revenue Code of 1954, as amended, and an option which meets all the requirements of Section 424(b) of the code other than the date of grant of the option.

Cross Reference: For options excluded from meaning of "security" or "securities" and option holders excluded from meaning of "security holders" or "purchasers of securities," see Rule IV.B.25.

Issued in Austin, Texas, on April 23, 1976.

Doc. No 762263 Roy W. Mouer
Securities Commissioner
State Securities Board

Effective Date. May 17, 1976

For further information, please call (512) 475-4561

065.05.00.011

The State Securities Board has amended Rule 065.05.00.011 with no changes in the proposed text. No comments were received on the proposed amendment.

Pursuant to the authority of Section 28-1, Article 581, and Article 6252-13a, Vernon's Annotated Texas Civil Statutes, the State Securities Board has adopted Rule 065.05.00.011 to read as follows:

.011. No Rule.

Cross Reference: For guidelines setting forth minimum disclosure requirements of transactions exempt under Section 5.K of the act, see Rule XIII.

Issued in Austin, Texas, on April 23, 1976.

Doc. No 762264 Roy W. Mouer
Securities Commissioner
State Securities Board

Effective Date. May 17, 1976

For further information, please call (512) 475-4561.

065.05.00.012

The State Securities Board has amended Rule 065.05.00.012 with no changes in the proposed text. No comments were received on the proposed amendment.

Pursuant to the authority of Section 28-1, Article 581, and Article 6252-13a, Vernon's Annotated Texas Civil Statutes, the State Securities Board has adopted Rule 065.05.00.012 to read as follows:

.012. *Building and Loan Association.* The language "building and loan association organized and operating under the laws of the State of Texas and subject to the supervision of the Commissioner of Banking of the State of Texas" includes any savings and loan association under the control of the Savings and Loan Department of this state.

Issued in Austin, Texas, on April 23, 1976.

Doc No 762265 Roy W. Mouer
Securities Commissioner
State Securities Board

Effective Date May 17, 1976

For further information, please call (512) 475-4561.

065.05.00.050

The State Securities Board has adopted Rule 065.05.00.050 with two changes in the proposed text. The designation, Rule V, was added to precede Category 065.05, and Rule V.A was added to precede Rule 065.05.00.001 to clarify what the rule number is in the State Securities Board numbering system.

Pursuant to the authority of Section 28-1, Article 581, and Article 6252-13a, Vernon's Annotated Texas Civil Statutes, the State Securities Board has adopted Rule 065.05.00.050 to read as follows:

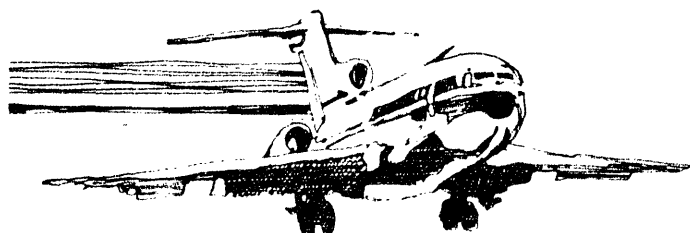
.050. Introduction. Rule V (Category 065.05 in the *Texas Register*) is numbered to correspond to the alphabetically designated subsections under Section 5 of the Securities Act. Rule V.A (Rule 065.05.00.001 in the *Texas Register*) interprets Section 5.A of the act, etc. Subsections for which there has been no policy or interpretation and for which no rule is presently proposed will indicate "No Rule."

Issued in Austin, Texas, on April 23, 1976.

Doc. No. 762266 Roy W. Mouer
Securities Commissioner
State Securities Board

Effective Date: May 17, 1976

For further information, please call (512) 475-4561.



Securities Exempt from Registration 065.06.00.006

The State Securities Board has adopted Rule 065.06.00.006 with no changes in the proposed text. No comments were received on the proposed rule which became effective as an emergency rule on February 10, 1976.

Pursuant to the authority of Section 28-1, Article 581, and Article 6252-13a, Vernon's Annotated Texas Civil Statutes, the State Securities Board has adopted Rule 065.06.00.006 to read as follows:

.006. Approved Stock Exchanges. The commissioner has approved the following exchanges, by written order, as satisfying the requirements for Section 6.F eligibility

- (a) Pacific Stock Exchange;
- (b) Chicago Board Options Exchange.

Issued in Austin, Texas, on April 23, 1976.

Doc. No. 762267 Roy W. Mouer
Securities Commissioner
State Securities Board

Effective Date: May 17, 1976

For further information, please call (512) 475-4561.

065.06.00.007

The State Securities Board has amended Rule 065.06.00.007 with no changes in the proposed text. No comments were received on the proposed amendment.

Pursuant to the authority of Section 28-1, Article 581, and Article 6252-13a, Vernon's Annotated Texas Civil Statutes, the State Securities Board has adopted Rule 065.06.00.007 to read as follows:

.007. Building and Loan Association or Savings Institution. The language "... or issued or guaranteed by any building and loan association or savings institution under the control of the Banking Department of this State" includes any savings and loan association under the control of the Savings and Loan Department of this state or any savings and share account or deposit and share account offered by any credit union under the control of the Credit Union Department of this state.

Issued in Austin, Texas, on April 23, 1976.

Doc. No. 762268 Roy W. Mouer
Securities Commissioner
State Securities Board

Effective Date: May 17, 1976

For further information, please call (512) 475-4561

065.06.00.010

The State Securities Board has amended Rule 065.06.00.010 with no changes in the proposed amendment. No comments were received on the proposed amendment.

Pursuant to the authority of Section 28-1, Article 581, and Article 6252-13a, Vernon's Annotated Texas Civil Statutes, the State Securities Board has adopted Rule 065.06.00.010 to read as follows:

.010. No Rule.

Cross Reference: For guidelines setting forth minimum disclosure requirements of securities exempt under Section 6.J of the act, see Rule XIII.

Issued in Austin, Texas, on April 23, 1976.

Doc. No. 762269 Roy W. Mouer
Securities Commissioner
State Securities Board

Effective Date: May 17, 1976

For further information, please call (512) 475-4561.

065.06.00.050

The State Securities Board has adopted Rule 065.06.00.050 with two changes in the proposed text. The designation, Rule VI, was added to precede Category 065.06, and Rule VI.A to precede Rule 065.06.00.050 to clarify what the rule number is in the State Securities Board numbering system.

Pursuant to the authority of Section 28-1, Article 581, and Article 6252-13a, Vernon's Annotated Texas Civil Statutes, the State Securities Board has adopted Rule 065.06.00.050 to read as follows:

.050. *Introduction.* Rule VI (Category 065.06 in the *Texas Register*) is numbered to correspond to the alphabetically designated subsections under Section 6 of the Securities Act. Rule VI.A (Rule 065.06.00.001 in the *Texas Register*) interprets Section 6.A of the act, etc. Subsections for which there has been no policy or interpretation and for which no rule is presently proposed will indicate "No Rule."

Issued in Austin, Texas, on April 23, 1976.

Doc. No. 762270 Roy W. Mouer
Securities Commissioner
State Securities Board

Effective Date: May 17, 1976

For further information, please call (512) 475-4561.

Forms 065.15.00.010

The State Securities Board has amended Rule 065.15.00.010 with no changes in the proposed text. No comments were received on the proposed amendment.

Pursuant to the authority of Section 28-1, Article 581, and Article 6252-13a, Vernon's Annotated Texas Civil Statutes, the State Securities Board has adopted, by reference, Rule 065.15.00.010 to read as follows:

.010. *Issuer's Notice for Exemption to Sell Securities Under Section 5.1(c), Article 581, Vernon's Annotated Texas Statutes.* The State Securities Board amends and adopts, by reference, the above titled form by deleting therefrom the attachment explaining board policy on Section 5.I. of our act.

Issued in Austin, Texas, on April 23, 1976.

Doc. No. 762271 Roy W. Mouer
Securities Commissioner
State Securities Board

Effective Date: May 17, 1976

For further information, please call (512) 475-4561.

065.15.00.013

The State Securities Board has adopted by reference Rule 065.15.00.013 with two changes in the proposed text. In Paragraph (e), "profit and loss" has been changed to "income," and "surplus" has been changed to "shareholder's equity." The changes were made to reflect more accurately modern accounting terminology.

Pursuant to the authority of Section 28-1, Article 581, and Article 6252-13a, Vernon's Annotated Texas Civil Statutes, the State Securities Board has adopted, by reference, Rule 065.15.00.013 to read as follows:

.013. *Information Concerning Projected Market and Related Market Information-- Section 5.O(3), Texas Securities Act.* Section 5.O(3) provides that securities should be offered for sale at prices reasonably related to the current market price of such security at the time of sale. The Securities Board has interpreted the language "at prices reasonably related to the current market price of such security at the time of sale" to mean that the market price of such security in the existing secondary market must have a basis supported by a substantial volume of *bona fide* sales transactions within or without this state. Additionally, the board policy provides that in the absence of a going market or where there have been only casual transactions, it shall be incumbent on the person filing the Section 5.O Exemption Notice to prove to the commissioner that the security will have a market price which has been fairly determined and justified at inception with reasonable assurance of continuity of the market into the future.

This procedure would include a consideration by the commissioner of criteria established in the items set out below. If additional space is needed to complete any item, please submit attached sheets, identifying each item by number.

(Note: If the requested information is contained in a 10-K or 10-Q report submitted to our agency, answers may be made by appropriate references.)

(a) Describe the nature and extent of the business operations of the issuer and its predecessor, if any, and the period of time during which the issuer and its predecessor, if any, has been continuously engaged in business.

(b) The net asset value of the stock per share.

(c) If there is a record of earnings for the issuer, the value per share of the stock based upon a reasonable times-earnings factor (setting out the factor used) related to the industry represented by the issuer.

(d) Any other basis for full justification of the value per share of the stock.

(e) Attach a written undertaking by the issuer to furnish to its shareholders and dealers deemed likely to

trade the securities of the issuer a current balance sheet, a comparative three-year income statement and analysis of shareholder's equity (or for the period of the existence of the issuer, if such period of existence is less than three (3) years), and annual financial statements thereafter.

(f) Attach a written undertaking by a registered Texas securities dealer who is financially able, setting out:

(1) his willingness to make a market in the issue of securities;

(2) the price at which he will begin the market; and

(3) the procedures which he intends to follow for the purpose of assuring an orderly market.

(g) Supplementary data to assist in determining the character of the share distribution and the number of publicly held shares:

(1) identification of 10 largest holders of record, including beneficial owners (if known) of holdings of record by nominees;

(2) list of holdings of 1,000 shares or more in the names of registered dealers and unregistered out-of-state dealers;

(3) number of transfers and shares transferred during the last two years (or period of existence of the issuer, if shorter);

(4) summary, by principal groups, of stock, owned or controlled by:

A. officers or directors and their immediate families;

B. other concentrated holdings of 10 percent or more;

(5) estimates of number of non-officer employees owning stock and the total shares held;

(6) company shares held in profit-sharing, savings, pension, or other similar funds or trusts established for the benefit of officers or employees;

(7) number of round-lot and number of odd-lot holders of record and aggregate numbers of shares so held.

Issued in Austin, Texas, on April 23, 1976.

Doc. No. 762272 Roy W. Mouer
Securities Commissioner
State Securities Board

Effective Date: May 17, 1976

For further information, please call (512) 475-4561.

065.15.00.024

The State Securities Board has amended, by reference, Rule 065.15.00.024 with no changes in the proposed text. No comments were received on the proposed amendment.

Pursuant to the authority Section 28-1, Article 581, and Article 6252-13a, Vernon's Annotated Texas Civil Statutes, the State Securities Board has adopted, by reference, Rule 065.15.00.024 to read as follows:

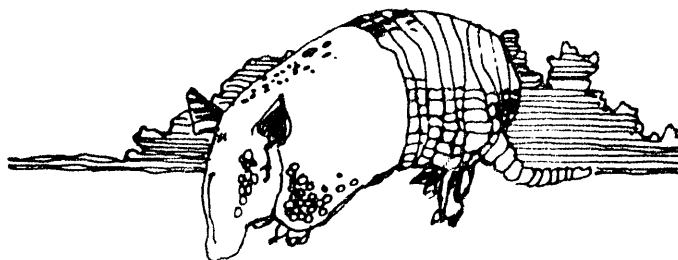
.024. *Quarterly Report of Security Sales-- Mutual Funds, Employee Benefit Plans, and other Continuous Offerings.* The State Securities Board amends and adopts, by reference, the above-titled and attached form.

Issued in Austin, Texas, on April 23, 1976.

Doc. No. 762273 Roy W. Mouer
Securities Commissioner
State Securities Board

Effective Date: May 17, 1976

For further information, please call (512) 475-4561



065.15.00.026

The State Securities Board has amended, by reference, Rule 065.15.00.026 with no changes in the proposed text. No comments were received on the proposed amendment.

Pursuant to the authority of Section 28-1, Article 581, and Article 6252-13a, Vernon's Annotated Texas Civil Statutes, the State Securities Board has adopted, by reference, Rule 065.15.00.026 to read as follows:

.026. *Renewal Application-- Mutual Funds, Employee Benefit Plans, and Other Continuous Offerings.* The State Securities Board amends and adopts, by reference, the above-titled and attached form.

Issued in Austin, Texas, on April 23, 1976.

Doc. No. 762274 Roy W. Mouer
Securities Commissioner
State Securities Board

Effective Date: May 17, 1976

For further information, please call (512) 475-4561.

065.15.00.029

The State Securities Board has adopted, by reference, Rule 065.15.00.029 without any changes in the proposed text. No comments were received on the proposed amendment.

Pursuant to the authority of Section 28-1, Article 581, and Article 6252-13a, Vernon's Annotated Texas Civil Statutes, the State Securities Board has adopted, by reference, Rule 065.15.00.029 to read as follows:

.029. Supplemental Information Form. The State Securities Board adopts, by reference, the above-titled and attached form.

Issued in Austin, Texas, on April 23, 1976.

Doc. No. 762275 Roy W. Mouer
Securities Commissioner
State Securities Board

Effective Date: May 17, 1976

For further information, please call (512) 475-4561.

065.15.00.040

The State Securities Board has amended, by reference, Rule 065.15.00.040 with no changes in the proposed text. No comments were received on the proposed amendment.

Pursuant to the authority of Section 28-1, Article 581, and Article 6252-13a, Vernon's Annotated Texas Civil Statutes, the State Securities Board has adopted, by reference, Rule 065.15.00.040 to read as follows:

.040. Application for License as an Individual Securities Dealer or Investment Adviser. The State Securities Board amends and adopts, by reference, the above-titled and attached form.

Issued in Austin, Texas, on April 23, 1976.

Doc. No. 762276 Roy W. Mouer
Securities Commissioner
State Securities Board

Effective Date: May 17, 1976

For further information, please call (512) 475-4561.

065.15.00.050

The State Securities Board has amended, by reference, Rule 065.15.00.050 with no changes in the proposed text. No comments were received on the proposed amendment.

Pursuant to the authority of Section 28-1, Article 581, and Article 6252-13a, Vernon's Annotated Texas Civil Statutes, the State Securities Board has adopted, by reference, Rule 065.15.00.050 to read as follows:

.050. Application for License of a Corporation or Partnership as a Securities Dealer or Investment Adviser. The State Securities Board amends and adopts, by reference, the above-titled and attached form.

Issued in Austin, Texas, on April 23, 1976.

Doc. No. 762277 Roy W. Mouer
Securities Commissioner
State Securities Board

Effective Date: May 17, 1976

For further information, please call (512) 475-4561.

065.15.00.070

The State Securities Board has amended by reference, Rule 065.15.00.070 with no changes in the proposed text. No comments were received on the proposed amendment.

Pursuant to the authority of Section 28-1, Article 581, and Article 6252-13a, Vernon's Annotated Texas Civil Statutes, the State Securities Board has adopted, by reference, Rule 065.15.00.070 to read as follows:

.070. Application for License as an Individual Securities Dealer in Oil and Gas Interests Only. The State Securities Board amends and adopts, by reference, the above-titled and attached form.

Issued in Austin, Texas, on April 23, 1976.

Doc. No. 762278 Roy W. Mouer
Securities Commissioner
State Securities Board

Effective Date: May 17, 1976

For further information, please call (512) 475-4561.

065.15.00.080

The State Securities Board has amended, by reference, Rule 065.15.00.080 with no changes in the proposed amendment. No comments were received on the proposed amendment.

Pursuant to the authority of Section 28-1, Article 581, and Article 6252-13a, Vernon's Annotated Texas Civil Statutes, the State Securities Board has adopted, by reference, Rule 065.15.00.080 to read as follows:

.080. Application for Transfer of Securities Salesman's Registration. The State Securities Board amends and adopts, by reference, the above-titled and attached form.

Issued in Austin, Texas, on April 23, 1976.

Doc. No. 762279 Roy W. Mouer
Securities Commissioner
State Securities Board

Effective Date: May 17, 1976

For further information, please call (512) 475-4561.



State Board of Examiners in Social Psychotherapy

Rules of Board Practice and Procedures 407.01.00

The Texas State Board of Examiners in Social Psychotherapy has adopted Rules 407.01.00.001-.006 on board practice and procedures with no major changes in the proposed text. These rules will provide organization and an outline of administrative procedures which will make the licensing activities of the board go more smoothly and give the public the information it needs about the board's organization to conveniently make use of the board's services. The public hearing on this rule took place on April 9, 1976, in the auditorium of the Texas Department of Health Resources Building in Austin, Texas. No negative comments were received concerning these rules and they were subsequently adopted at the board's regular meeting held on April 10, 1976. For further information contact Daniel L. Boone, Executive Secretary, Texas State Board of Examiners in Social Psychotherapy, 1100 West 49th Street Austin, Texas 78756, telephone (512) 454-3781.

The Texas State Board of Examiners in Social Psychotherapy under the authority of the Social Psychotherapist Regulation Act, Article 4512f, Texas Revised Civil Statutes, has adopted Rules 407.01.00.001-.006 to read:

.001. Organization of the Board.

(a) The board shall hold an annual meeting at which time a chairman, vice-chairman, and secretary shall be elected.

(b) Chairman. The chairman shall preside at all meetings and perform all duties prescribed by law or by rules of the board.

(c) Vice-chairman. The vice-chairman shall perform the duties of the chairman in case of absence or disability of the chairman. In case the office of the chairman becomes vacant, the vice-chairman shall serve until a successor has been named.

(d) Secretary. The secretary shall sign licenses under Section 18(a) of the Social Psychotherapist Regulation Act and perform such other duties as may be assigned by the chairman.

.002. Committees of the Board.

(a) The board will have an executive committee consisting of the chairman and vice-chairman.

(b) In addition, the board will appoint standing and special ad hoc committees of the board to expedite the work of the board.

.003. Meetings of the board.

(a) Agendas. The chairman of the Board of Examiners in Social Psychotherapy shall prepare and submit to each member of the board prior to each meeting a preliminary copy of the agenda, outlining items that he believes should be considered by the board, those required by law, and others as members have requested. Materials supplementing the agenda may be included. Official agendas are distributed the day of the board meeting.

(b) Quorum. Four members of the board shall constitute a quorum.

(c) Official Transaction of Business. The Board of Examiners in Social Psychotherapy may transact official business only when in session with a quorum present and shall not be bound in any way by any statement or action on the part of any individual members except when a statement or action is in pursuance of specific instructions of the board.

(d) Rules of Order. The board shall observe *Robert's Rules of Order Revised* except as otherwise provided by board policies of this chapter or by statute.

(e) Minutes.

(1) "Official minutes" are those which the recording secretary prepares, the board approves at a regular or special meeting, and are affixed with the original signature of the chairman of the board. Drafts

of the minutes shall be forwarded to each member for review and comments or corrections prior to approval by the board.

(2) The official minutes of the Texas State Board of Examiners in Social Psychotherapy shall be kept in the office of the executive secretary to be available to a citizen desiring to examine them.

.004. *Press and Public Relations.*

(a) Prior to each meeting copies of the preliminary agenda shall be sent to United Press International and Associated Press; the Governor's Office; the Secretary of State; and the chairman of the Board of Health Resources.

(b) Members of the press are invited to all regular meetings of the Board of Examiners in Social Psychotherapy. Press representatives in attendance will be supplied with copies of the official agenda for the meeting and other materials relating to specific agenda items.

(c) The Board of Examiners in Social Psychotherapy shall maintain open relations with the press by answering appropriate questions and by providing official statements through press releases and answers to follow-up inquiries.

(d) Members of the Board of Examiners in Social Psychotherapy shall avoid implying that an individual's opinion represents the opinion or policy of the board.

.005. *Actions Requiring Board Approval.*

(a) *Administrative Procedures.* An administrative procedure is the method by which a policy of the Board of Examiners in Social Psychotherapy is administratively implemented.

(b) *Approval and Revision of Administrative Procedures.*

(1) Administrative procedures are determined and implemented by the executive secretary in accordance with the policies of the board. However, on occasion, legislation specifically prescribes procedure requirements which are incorporated as administrative procedures.

(2) The Board of Examiners in Social Psychotherapy approves administrative procedures when required by law, required by board policy, and when requested by the executive secretary.

(3) When board action is required, the executive secretary shall present the proposed administrative procedures change in the official agenda of the board.

(c) *Budget Request.* The Board of Examiners in Social Psychotherapy consolidated budget request will be approved by the board prior to submission to the Department of Health Resources.

(d) *Other Actions.* Actions requiring board approval also include any other actions by the executive

secretary or the board where the approval of the board is required by law, or is requested by the executive secretary.

.006. *Policies of the Board.*

(a) *Policy Goals.* The board conducts all business of the board through the executive secretary. Standing and special committees of the board are working extensions of the board. In keeping with the spirit of this policy, individual members, when contacting department staff, should refrain from giving directives or establishing policy. All department staff personnel are to be advised of this policy.

(b) The board will cooperate with other state agencies.

(c) *Adoption and Amendment of Board Policies.* Specific policies may be adopted or amended under the following conditions:

(1) Each member of the board shall be furnished a copy of a proposed new policy or a proposed amendment in the preliminary and official agendas for the meeting at which it is to be considered.

(2) An affirmative vote by a majority of the board membership is required for the adoption of a new policy or policy amendment.

(3) New or amended policies shall be effective on the date of adoption unless otherwise specified.

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

Doc No. 762304 Raymond T. Moore
Deputy Director
Texas Department of Health
Resources

Effective Date: May 17, 1976

For further information, please call (512) 454-3781.

Rules on Licensing Social Psychotherapists 407.02.00

The Texas State Board of Examiners in Social Psychotherapy has adopted Rules 407.02.00.001-.008, Rules on Licensing Social Psychotherapists, which will regulate the profession of social psychotherapy by ensuring that those licensed by the board have the education and abilities necessary to perform competently as social psychotherapists.

The public hearing on these rules took place on April 9, 1976, in the auditorium of the Texas Department of Health Resources Building in Austin, Texas. The board received the comments of several persons, and at its regular meeting on April 10, 1976, adopted rules on licensing with the following major changes in the proposed rules:

(1) The board changed .005(a), lowering requirements for field instruction to a minimum of 950 hours to conform to the lowest number of hours required in a master's degree in social work from any Texas state-supported university.

(2) The board changed .005(c)(1), lowering requirements for equivalency to a graduate degree of no fewer than 57 hours and a clinical field practicum of a minimum of 950 clock hours; this conforms to the lowest requirements of any state-supported university in Texas offering a master's degree in social work.

(3) In .005(c)(2), the board changed the course work requirements in an equivalent degree to a core of 27 hours in specific courses with the remaining hours in areas supporting the development of skill and competence in psychotherapy. This change will allow a greater number of qualified mental health professionals to apply for licensure.

(4) The board added .005(d) to provide a more complete statement of what constitutes the two years of experience required in Section 13.2 of the Social Psychotherapist Regulation Act.

(5) The board changed .008(e) to conform to the legal requirements for revoking, cancelling, or suspending a license as spelled out in the Social Psychotherapist Regulation Act.

For further information, contact Daniel L. Boone, Executive Secretary, Texas State Board of Examiners in Social Psychotherapy, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 454-3781, extension 381.

The Texas State Board of Examiners in Social Psychotherapy, by authority of the Social Psychotherapist Regulation Act, Article 4512f, Texas Revised Civil Statutes, has adopted rules 407.02.00.001-.008 to read as follows:

.001. General

(a) Any board member who believes that he or she is unable to be impartial in the examination of an applicant for licensure shall so declare himself or herself to the board and shall not participate in the examination of that applicant.

(b) All formal and advisory board opinions shall be summarized and published in the *Texas Register*.

(c) All formal board hearings shall be conducted in accordance with the Texas Administrative Procedure and Texas Register Act and the Social Psychotherapist Regulation Act.

(d) Unofficial statements made by a board member or staff are not binding on the board.

(e) It is board policy to notify any person presenting a problem concerning a social psychotherapist of other organizations or agencies which may also assist in dealing with the problem.

(f) Irrespective of any training other than that which is primarily psychotherapeutic which a person may have completed, or any other certification or licensure which a person may possess, or any other professional title or label he or she may claim, anyone licensed as a social psychotherapist is bound by the provisions of the Social Psychotherapist Regulation Act and the rules of the board in rendering psychotherapeutic services for compensation.

(g) A violation of the Code of Ethics is a violation of the board rules.

(h) The social psychotherapist is responsible for keeping his or her board file updated.

(i) All social psychotherapists are obligated to participate in continuing education programs as may be required by the board.

.002 Fees.

(a) The following is the schedule of fees charged by the Texas State Board of Examiners in Social Psychotherapy:

Application fee	\$75
Examination fee	\$85
Licensure fee	\$85
Annual Renewal of licensure fee	\$50
Replacement of lost license fee	\$15
Health service provider roster fee	\$10
Remaining fee	\$10

(b) These fees are set by the board with the approval of the Board of Health Resources and will be reviewed periodically.

.003. Application and Examination for Licensure.

(a) To be considered, an application for licensure must include not only the completed application form but also whatever additional information or examinations the board requires. An incomplete application remains in the active file for ninety (90) days; at the end of which time, if still incomplete, it is void. If licensure is sought again, a new application fee must be submitted. A completed application includes official transcripts of all relevant college or university work. Transcripts must be official and sent directly from the college or university to the board.

(b) Completion of the requirements for a degree shall be construed to be the date on which the degree is formally conferred by the college or university.

(c) If questions exist as to the content of course work, field instruction, internship, postgraduate supervision, or other education or training requirements, the board may require an applicant to furnish further information.

(d) An applicant whose file contains any negative reference letters of substance may be asked to come before the board for an interview prior to admission to the written examination.

(e) Current members of the board may not be used as references by an applicant for licensure by this board.

(f) After August 31, 1976, an examination shall be required for licensure as a social psychotherapist. The examination may be written, oral, or both.

(g) Cutoff scores for the examinations administered by the board shall be set by the board prior to the examinations.

(h) An applicant who fails to appear for the examination after agreeing to do so shall be required to pay for the unused examination if an examination is taken at a later date.

(i) Failure to take the examination after official notification of two succeeding examinations given by the board constitutes termination of the application.

(j) Scores on the written examinations obtained by this board will be released to other certification and licensing boards only upon the notarized written request of the applicant.

(k) Applicants who fail the examination for licensure as a social psychotherapist are permitted to take it again by paying another examination fee. If the second examination is failed, the applicant must wait a full calendar year before the examination may be taken again. This year interval applies to all succeeding applications for the examination. (The board may adjust this requirement a few days to provide flexibility in the board's scheduling of examinations). In the event of subsequent examinations taken in other states, the one year waiting period applies.

(l) A resident of the State of Texas who presents serious cause and who wishes to take the examination for licensure in another state may be permitted to do so after mutual agreement has been obtained between the Texas State Board of Examiners in Social Psychotherapy and statutory board of examiners in another state. Such examination must be the same used by the Texas board and must be administered at a regularly scheduled examination by the other state board.

.004. Licensure and Renewal of Licensure.

(a) The license will show the highest relevant degree held at the time of licensure. Later relevant degrees may be shown on renewal cards.

(b) A social psychotherapist licensed by this board prior to August 31, 1976, without examination may take the examination at a regularly scheduled examination session by paying the examination fee.

(c) Persons who seek inactive status for their licensure in social psychotherapy are required to return their licenses to the board.

(d) The fee for replacement of a lost or destroyed license is \$15. Evidence of loss or destruction (notarized statement accepted) or return of the mutilated old license is required before a replacement license will be issued.

ated old license is required before a replacement license will be issued.

(e) A license that has been mailed and not picked up by the addressee and has been returned to the board through no fault of the board shall not be remailed until the licensee pays a remailing fee of \$10.

(f) The license of a social psychotherapist must be renewed every year.

(g) Failure to pay the renewal fee prior to September 1 shall not deprive the social psychotherapist of the right to renew his or her license, but the fee to be paid for renewal after August 31 shall be increased by 50 percent of the regular renewal fee.

(h) A social psychotherapist may not continue to practice as a social psychotherapist without renewing his or her license six (6) months after the expiration date of the license.

(i) Persons whose licensure is about to expire shall be notified once by regular mail at least sixty (60) days before August 31 as required by the Social Psychotherapist Regulation Act and notified by registered mail if they fail to renew licensure by August 31. The second notice will not be mailed prior to August 31.

.005. Academic and Postgraduate Supervision Requirements and Equivalency

(a) "Skill and competence" referred to in Section 13.1 of the Social Psychotherapist Regulation Act shall mean, but not be limited to, these specific qualities gained from a curriculum for a graduate degree designed to develop skill and competence in the use of psychotherapeutic methods which includes no fewer than nine hundred and fifty (950) hours of field instruction in the use of these treatment methods and which meets the requirements of the board.

(b) A graduate degree submitted as equivalent to the master's degree from a school accredited by the Council on Social Work Education must be from a graduate school which meets accreditation requirements of the board. The board shall offer recognized guidelines in determining whether or not an institution is accredited (e.g., the current *Report of Credit Given by Educational Institutions* of the American Association of Collegiate Registrars and Admissions Officers). The same definition of "accredited institution" used at the sub-doctoral level shall also apply at the doctoral level.

(c) "Equivalent" referred to in Section 13.1 of the Social Psychotherapy Regulation Act shall mean:

(1) A graduate degree consisting of no fewer than fifty-seven (57) graduate hours which shall include a board-approved clinical field work practicum consisting of nine hundred and fifty (950) clock hours.

(2) These fifty seven (57) hours shall include course work as follows:
 12 hours treatment methodologies (individual, family, group treatment)
 3 hours psychopathology

3 hours normal growth and development

6 hours group and family dynamics

3 hours research in behavioral sciences

The remaining course work shall be in areas supporting the development of skill and competence in psychotherapy. The board will rule on any graduate professional degree of a minimum of fifty-seven (57) hours as to whether its content is equivalent as it relates to these criteria.

(3) Two (2) years of postgraduate experience acceptable to the board.

(d) The two (2) years of experience required of all applicants for licensure under Section 13.2 of the Social Psychotherapist Regulation Act shall be acceptable to the board if:

(1) It is fulltime experience consisting of twenty (20) hours a week of employment.

(2) The supervision of the two (2) years of postgraduate psychotherapy experience consists of a minimum of one-hour weekly, face-to-face supervision for twenty-four (24) months in a four- (4)- year period with no more than two (2) supervisors within this time period unless board approval has been obtained.

(3) The supervisor is one approved by the board. A supervisee may assure that his or her supervisor meets the requirements of the board by submitting a contract for supervision to which the board will reply.

.006. *Announcement of Services.*

(a) The social psychotherapist shall adhere to professional rather than commercial standards in making known availability for professional services.

(b) The social psychotherapist shall not directly solicit clients for individual diagnosis or therapy.

(c) The social psychotherapist must not encourage (nor, within his or her power, even allow) a client to have exaggerated ideas as to the efficacy of services rendered by the social psychotherapist. Claims made to clients about the efficacy of his or her services must not go beyond those which the social psychotherapist would be willing to subject to professional scrutiny through publishing the results and his or her claims in a professional journal.

(d) All listings in the Yellow Pages under the title "Social Psychotherapist" shall be by individual name only. These individual listings are limited to name, licensure, degree, address, and telephone number. Such listings may contain the general category of practice descriptive of what the social psychotherapist does; i.e., individual, group, and/or family practice. Psychotherapeutic techniques and procedures are inappropriate for announcements or listings in the Yellow Pages.

(e) All forms of extra-legal certification shall also be excluded from the Yellow Pages, but not necessarily from announcements.

(f) Announcements of individual private practice are limited to a simple statement of the social psychotherapist's name, highest relevant degree, licensure status, diplomate status, address, telephone number, office hours, and a brief explanation of the types of services rendered. Announcements in newspapers of the opening or the relocation of a practice may run no longer than thirty (30) days.

(g) A social psychotherapist announcing non-clinical professional services may use brochures that are descriptive of services rendered but not evaluative.

(h) The use in a brochure of "testimonials from satisfied users" is not acceptable. The offer of a free trial of services is likewise unacceptable if it operates to misrepresent in any way the nature of the efficacy of the services rendered by the social psychotherapist.

.007. *Social Psychotherapists in Practice*

(a) The board's Code of Ethics requires that a social psychotherapist practice only within those areas in which he or she is competent by reason of training and/or experience.

(b) A social psychotherapist may not intentionally reveal information about a patient or client without written authorization by the patient, client, or guardian, or without a proper court order, or unless a state or federal statute requires it.

(c) Individuals whose names appear in the register of licensed social psychotherapists published by the Texas State Board of Examiners in Social Psychotherapy are thereby designated as health service providers in psychotherapy in Texas.

(d) A licensed social psychotherapist in practice alone may not call himself or herself a center, clinic, or any other such group title, but may instead call himself or herself only by name, and the practice will be considered an independent practice. Any group practice formed after August 31, 1976, shall include only the names of the licensed social psychotherapists in the group title (e.g., Smith, Brown, and Jones Clinic, etc.)

(e) An individual practice by a social psychotherapist may be incorporated under the Professional Incorporation Act if desired, but only in the name of the licensed social psychotherapist. In group practice, all members of the professional corporation must be licensed by the board and all names must appear in the professional corporation title.

(f) Consultants may be listed on letterhead only if there is a contractual agreement with the licensed social psychotherapist and if the consultant's status is indicated on the letterhead.

(g) When a licensed social psychotherapist employs a non-licensed person to perform psychotherapeutic functions, the contract between the social psychotherapist and the employee must be on file with the board for each situation.

(h) Social psychotherapy interns who are candidates for licensure as social psychotherapists may be employed only on a salary basis, even if it is wage by the hour.

(i) Adequate supervision is the responsibility of the supervising licensed social psychotherapist and includes an adequate number of hours for effective supervision. The supervising social psychotherapist recognizes that full professional responsibility for the psychotherapeutic activities of persons supervised rests with the licensed social psychotherapist.

(j) On termination of employment in an agency, the social psychotherapist should cooperate in facilitating the transfer of the agency's patients or clients to other staff members of the agency. Upon termination of the social psychotherapist's employment, patient or client files remain the property of the employing agency. (This rule is not intended to infringe on the right of individual patients or clients to choose their own therapists).

.008. *Application for Licensure Form.*

(a) Application forms to apply for licensure as a social psychotherapist can be obtained from the Executive Secretary, Texas State Board of Examiners in Social Psychotherapy, 1100 West 49th Street, Austin, Texas 78756.

(b) The application form will require the applicant to provide general information about himself or herself, including an identification photograph, educational background, references, postgraduate supervision, and a complete official transcript to be sent by the degree-granting college or university directly to the board.

(c) In making application to the Texas State Board of Examiners in Social Psychotherapy, the applicant shall agree to abide by the rules and regulations of the Texas State Board of Examiners in Social Psychotherapy and to take all examinations necessary to the processing of his or her application. Upon issuance of a license, the applicant shall agree to be bound by the Code of Ethics of the Texas State Board of Examiners in Social Psychotherapy and shall further agree that the fee submitted with this application is non-refundable.

(d) The applicant shall agree to hold the Texas State Board of Examiners in Social Psychotherapy, its members, officers, agents, and examiners free from any damage or claim for damage or complaint by reason of any action they or any one of them take in connection with this application, the attendant examination, the grades with respect to any application and/or failure of the board to issue the applicant a license. The applicant shall grant permission to the board to seek any information or references it deems fit in securing credentials on the applicant pertinent to this application.

(e) The applicant shall further agree that, if issued a license, upon the revocation, suspension, or

cancellation of that license, he or she shall return the said license to the board.

(f) The applicant shall be required to state that he or she has read the Social Psychotherapist Regulation Act and is familiar with the requirements of that law and with the Code of Ethics of the board.

(g) The applicant shall sign the application form before a notary public of the State of Texas.

Issued In Austin, Texas, on April 27, 1976.

Doc No 762305 Raymond T. Moore, M.C.
Deputy Director
Texas Department of Health
Resources

Effective Date May 17, 1976

For further information, please call (512) 475-3781

Ethical Standards of Social Psychotherapists 407.03.00

The Texas State Board of Examiners in Social Psychotherapy has adopted Rules 407.03.00.001-.016 on the ethical standards of social psychotherapists, with no major changes in the proposed text. These rules will provide a code of ethics which will direct social psychotherapists in the day-to-day performance of their professional duties. This code of ethics provides guidelines to help the board regulate the profession of psychotherapy and standards against which individual social psychotherapists can measure their actions.

The public hearing on these rules took place on April 9, 1976, in the auditorium of the Texas Department of Health Resources Building in Austin, Texas. No comments requesting major changes in the proposed text were received by the board and these rules were subsequently adopted at the board's regular meeting held on April 10, 1976.

For further information, contact Daniel L. Boone, Executive Secretary, Texas State Board of Examiners in Social Psychotherapy, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 454-3781, extension 381.

The Texas State Board of Examiners in Social Psychotherapy, under the authority of the Social Psychotherapist Regulation Act, Article 4512f, Texas Revised Civil Statutes, has adopted Rules 407.03.00.001-.016 to read as follows:

.001. General.

(a) The social psychotherapist is committed to the humanistic view of the value and dignity of the individual. The belief in the right of any person to make choices, to maintain privacy, and to protect his or her own integrity is implicit in the practice of psychotherapy. These ethical values apply without respect to an individual's color, sex, age, national origin, or social class.

(b) The cornerstone of any professional relationship is trust. To foster and preserve this trust, the social psychotherapist zealously guards the privileged material discussed by clients. The welfare of the client is the chief consideration in any professional situation where conflicting values and interests arise.

(c) The social psychotherapist has an ongoing investment in increasing understanding of human behavior with the prevention of emotional problems and social dysfunction whenever possible. Treatment and amelioration of existing conditions is an equal priority, using the generally recognized and approved skills of the profession of psychotherapy. The social psychotherapist is equally cognizant of and concerned with the enhancement of human potential and enrichment of life for the individual client and our society in general. The social psychotherapist willingly accepts the responsibility inherent in the freedom he or she claims to select, inquire, and educate.

.002. Responsibility.

(a) The social psychotherapist is committed to the basic values of psychotherapy: the inherent worth, integrity, and dignity of the individual; the right to self-determination; a firm belief in equal opportunity for all, limited only by an individual's innate capacity, and social responsibilities towards one's self, family, and society.

(b) The social psychotherapist functions with the awareness of the dynamic interplay of personal biological and psychological elements with the socioeconomic forces of the environment in which human beings live and endeavors to assist clients-- individuals and groups-- to reach the highest possible degree of social, mental, and physical well-being.

(c) As social psychotherapists recognize the many causes of social and emotional problems, they are concerned both with giving personal help to clients and in promoting measures which aim toward a change of the social conditions which cause or contribute to human suffering and maladjustment.

(d) Social psychotherapists carry a responsibility to maintain and improve psychotherapeutic service; constantly to examine, use, and increase the knowledge upon which practice is based; and to develop further the philosophy and skills for the profession.

(e) A violation of the code of ethics by a social psychotherapist constitutes the unprofessional conduct

in Section 20(a)(5) of the Social Psychotherapist Regulation Act.

.003. Competence. In order to maintain or enhance professional competence, the social psychotherapist makes use of educational opportunities and, when indicated, seeks consultation service from colleagues and other suitable professionals.

.004. Moral and Legal Standards. In the practice of psychotherapy, the social psychotherapist shows sensible regard for the social codes and moral expectations of the community, recognizing that violations of accepted moral and legal standards on his or her part may involve clients, students, or colleagues in damaging personal conflicts and impugn his or her own name and the reputation of the profession. This statement is made with the awareness that growth and change are oftentimes conflictual and disruptive to the minds of the community and that the social psychotherapist is equally committed to growth and change in the person.

.005. Misrepresentation. The social psychotherapist shall not misrepresent his or her professional qualifications and associations.

(a) Professional qualifications are accurately represented, as are associations with agencies, professional groups, or individuals. The social psychotherapist shall have the responsibility to report alleged misrepresentations of other social psychotherapists to the executive secretary of the State Board of Examiners in Social Psychotherapy.

(b) The social psychotherapist shall not misrepresent any agency or organization by presenting it as having attributes which it does not possess.

.006. Public Statements.

(a) When the social psychotherapist is in a position of providing the public with information (directly or indirectly), he or she shall do so judiciously, fairly, accurately, and without misrepresentation.

(b) The social psychotherapist shall not permit his or her name to be used in connection with advertising of psychotherapy for commercial reasons.

(c) The social psychotherapist shall make no public statements about any patients or clients, unless in an educative fashion, speaking with respect to the individual's, group's, or organization's confidentiality.

.007. Confidentiality.

(a) Information about any individual or group shall be considered privileged communication and shall be respected with regard to confidentiality. This is to be considered one of the most basic responsibilities of the social psychotherapist.

(b) Confidential information revealed to the social psychotherapist shall in turn be revealed to the appropriate professional people when, in the judgment of the social psychotherapist, there exists an immediate

danger to an individual or to society. That this information will be released will be shared with the individual by the social psychotherapist.

(c) When confidential information is to be used for professional educative purposes, every effort shall be made to conceal the true identity of the individuals discussed.

(d) Confidential material shall be released to other professional people when there is a signed authorization from the individual.

.008. *Client Welfare.*

(a) The social psychotherapist respects the integrity of the person or group with whom he or she is working and is protective of their welfare.

(b) When the social psychotherapist is in situations in which a conflict of interest may arise, such as between client and employer, he or she defines the nature and discretion of his or her responsibilities and loyalties and informs all parties concerned of these commitments.

(c) When there is a conflict among professional workers, the social psychotherapist's primary concern is with the welfare of any client involved and only secondarily with the interests of professional groups.

(d) The social psychotherapist should attempt to terminate a clinical or consulting relationship when it is reasonably clear that the client is not benefiting from it.

(e) The social psychotherapist who receives personal information from an individual in the course of an interview makes certain that the responsible party is fully aware of the purposes of the interview and the ways in which the information may be used.

(f) In cases involving referrals, the social psychotherapist assumes full responsibility for the client until such time that it is assumed by the professional to whom the client is referred, or until the relationship between the client and the social psychotherapist is terminated by mutual agreement. Where referral, consultation, or other changes in the condition of treatment are indicated and the client refuses referral, the social psychotherapist carefully evaluates the possible harm to the client, to himself or herself, and to the profession that might ensue if the relationship continues.

(g) The social psychotherapist takes care to ensure an appropriate setting for psychotherapy to protect both the client and himself or herself from actual or imputed harm and the profession from censure.

.009. *Client Relationship.*

(a) The social psychotherapist makes known to the prospective client the important aspects of the potential relationship which might affect the client's decision to enter into the relationship.

(b) Some of the aspects of the relationship likely to affect the client's decision include recording of an in-

terview, use of interview material for training purposes, and the observation of an interview by other persons.

(c) The social psychotherapist normally does not involve himself or herself in the treatment of family members, intimate friends, close associates, or others whose welfare might be jeopardized by such a dual relationship.

.010. *Impersonal Services.* Social psychotherapeutic services such as diagnosis and treatment are provided only in the context of a professional relationship and are not given by means of public lectures or demonstrations, newspaper or magazine articles, radio or television programs, mail, or means of a similar nature.

.011. *Announcement of Services*

(a) The social psychotherapist shall adhere to professional rather than commercial standards in making known his or her availability for professional services.

(b) A social psychotherapist shall not directly solicit clients for individual diagnosis or therapy.

(c) The social psychotherapist must not encourage (nor, within his or her power, even allow) a client to have exaggerated ideas as to the efficacy of services rendered by the social psychotherapist. Claims made to clients about the efficacy of services must not go beyond those which the social psychotherapist would be willing to subject to professional scrutiny through publishing the results and his or her claims in a professional journal.

(d) All listings in the yellow pages under the title "Social Psychotherapists" shall be by individual name only. These individual listings are limited to name, licensure, degree, address, and telephone number. Such listings may contain the general category of practice descriptive of what the social psychotherapist does, i.e., individual, group, and/or family practice. Psychotherapeutic techniques and procedures are inappropriate for announcements or listings in the yellow pages. All forms of extra-legal certification shall also be excluded from the yellow pages but not necessarily from announcements.

(e) Announcements of individual private practice are limited to a simple statement of the social psychotherapist's name, highest relevant degree, licensure status, diplomate status, address, telephone number, office hours, and a brief explanation of the types of services rendered. Announcements in newspapers of the opening or the relocation of a practice may run no longer than 30 days.

(f) A social psychotherapist announcing non-clinical professional services may use brochures that are descriptive of services rendered but not evaluative.

(g) The use in a brochure of "testimonials from satisfied users" is unacceptable. The offer of a free trial of services is likewise unacceptable if it operates to

misrepresent in any way the nature of the efficacy of the services rendered by the social psychotherapist.

.012. Interprofessional Relationships.

(a) A social psychotherapist acts with integrity in regard to colleagues in social psychotherapy and in other professions.

(b) A social psychotherapist does not normally offer professional services to a person receiving social psychotherapeutic assistance from another health service professional except by agreement with the other professional person or after the termination of the client's relationship with the other health service professional.

(c) The welfare of clients and colleagues requires that the social psychotherapist, in joint practice or corporate activities, make an orderly and explicit arrangement regarding the conditions of the association and its possible termination.

(d) The welfare of clients and colleagues requires that the social psychotherapist conform to the spirit and intent as well as the actual letter of the licensing requirements in regard to the practice of psychotherapy.

.013. Remuneration.

(a) Financial arrangements in private practice are in accord with professional standards that safeguard the best interests of the client and the profession.

(b) In establishing rates for professional services, the social psychotherapist considers carefully both the ability of the client to meet the financial burden and the charges made by other professional persons engaged in comparable work. He or she is willing to contribute a portion of his or her services for which little or no financial return is realized.

(c) No commission or rebate or any other form of remuneration is given or received for referral of clients for professional services.

(d) The social psychotherapist does not use relationships with clients to promote, for personal gain or the profit of an agency, commercial enterprises of any kind.

.014. Research Precautions.

(a) The social psychotherapist assumes obligations for the welfare of clients who willingly participate as research subjects.

(b) Only when a problem is of scientific significance and it is not practicable to investigate it in any other ways is the social psychotherapist justified in exposing research subjects, whether children or adults, to stress as part of an investigation of a treatment modality.

(c) The social psychotherapist seriously considers harmful aftereffects and avoids them or removes them as soon as permitted by the design of the research.

.015. Publication Credit.

(a) Credit is assigned to those who have contributed to a publication in proportion to their contributions and only to these.

(b) Major contributions of a professional character made by several persons to a common project are recognized joint authorship. The experimenter or author who has made the principal contribution to a publication is identified as the first listed.

(c) Minor contributions of a professional character, extensive clerical or similar non-professional assistance, and other minor contributions are acknowledged in footnotes or in an introductory statement.

(d) Acknowledgment through specific citations is made for unpublished as well as published material that has directly influenced the research or writing.

(e) A social psychotherapist who compiles and edits for publication the contributions of others publishes the symposium with his or her own name appearing as chairperson or editor among those of the other contributors or committee members.

.016. Responsibility Toward Organization.

(a) Social psychotherapists respect the rights and reputation of the institute or organization with which they are associated.

(b) Materials prepared by a social psychotherapist as a part of regular work under specific direction of his or her organization are the property of that organization. Such materials are released for use or publication by a social psychotherapist in accordance with policies of authorization, assignment of credit, and related matters which have been established by the organization.

(c) Other material resulting incidentally from activity supported by any agency, and for which the social psychotherapist rightly assumes individual responsibility, is published with disclaimer for any responsibility on the part of the supporting agency.

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

Doc. No 762306 Raymond T. Moore, M.D.
Deputy Director
Texas Department of Health
Resources

Effective Date May 17, 1976

For further information, please call (512) 454-3781.

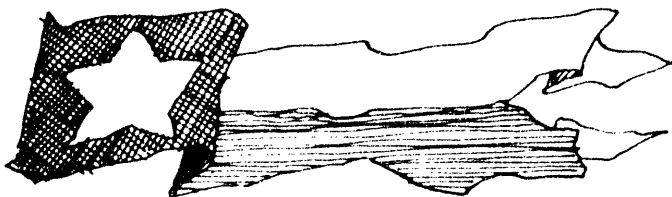
The Open Meetings Act (Article 6252-17, Texas Civil Statutes) requires that an agency with statewide jurisdiction have notice posted for at least seven days before the day of a meeting. A political subdivision covering all or part of four or more counties, or an institution of higher education, must 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 State Capitol.

Texas Commission on Alcoholism Meeting

A meeting of the Texas Commission on Alcoholism will be held on Friday and Saturday, May 7 and 8, 1976, beginning at 1:30 p.m., Friday at the Inn of the Golden West, Odessa, to discuss recent developments on state budget; reports to legislative committees; status on federal alcoholism programming; and a report on grants and contracts for the June Grant Contract Committee Review meeting. There will be an executive session on May 7. The time for this closed executive session will be announced by the chairman at the beginning of the regular commission meeting.

Additional information may be obtained from K. E. Beahan, 809 Sam Houston Building, Austin, Texas 78701, telephone (512) 475-2577.

Filed April 29, 1976, 2:18 p.m.
Doc. No. 762363



State Banking Board Hearing

A hearing before the Hearing Officer of the State Banking Board will be held on Monday, June 7, 1976, 9 a.m., at 2601 North Lamar, Austin. The hearing officer will consider the proposed domicile change for Medina Valley State Bank, Devine, to move from the present location at 209 South Teak Street to 200-208 U.S. Highway 81 North in Devine.

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

Filed April 27, 1976, 9:52 a.m.
Doc. No. 762291

Hearing

A hearing before the Hearing Officer of the State Banking Board will be held on Monday, June 21, 1976, 9 a.m., at 2601 North Lamar, Austin, to consider the charter application of the proposed Spring Hill State Bank, to be located north of the city limits of Longview.

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

Filed April 27, 1976, 9:52 a.m.
Doc. No. 762290

Board of Examiners in the Basic Sciences Meeting

A meeting of the Board of Examiners in the Basic Sciences will be held at 7:30 p.m. Friday and 8 a.m. Saturday, May 14 and 15, 1976, at the Sam Houston Inn, Huntsville. The board will discuss determination of the results of the examinations given April 9-10, 1976; budget requests for the 1978-79 biennium; and applications for waiver certification. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Betty J. Anderson, 319 Sam Houston Building, Austin, Texas 78701, telephone (512) 475-2683.

Filed April 29, 1976, 9:43 a.m.
Doc. No. 762352

Texas Commission for the Deaf

Meeting

A meeting of the Texas Commission for the Deaf will be held on Saturday, May 15, 1976, 1:30 p.m., at the Texas School for the Deaf Board Room, 1102 South Congress, Austin, to consider Interpreter Service Areas, the budget, census and registry methodology, and the part-time counselor/interpreter pilot project.

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

Filed April 28, 1976, 4 07 p.m.

Doc. No. 762345

Texas State Board of Dental Examiners

Meeting

A meeting of the Texas State Board of Dental Examiners will be held on Friday, May 21, 1976, 9 a.m., in the Board Hearing Room, University of Texas Dental School, San Antonio. The board will consider adoption of or amendments to its rules and regulations pertaining to dentists and all persons or businesses under its jurisdiction; and will conduct scheduled disciplinary hearings and regular board business.

Additional information may be obtained from Carl C. Hardin, Jr., 818 Southwest Tower, 7th and Brazos, Austin, Texas 78701, telephone (512) 475-2443.

Filed April 27, 1976, 11 06 a.m.

Doc. No. 762293

Good Neighbor Commission

Meeting

A meeting of the Good Neighbor Commission will be held on May 8, 1976, 1 p.m., at the Hotel Camino Real, Tampico, Mexico. The meeting will include a resolution of the U.S. Customs Department, and personnel for the Laredo International Bridge; and a discussion of the annual report on migrant labor. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Henry Sanchez, Executive Director, P.O. Box 12007, Austin, Texas 78701, telephone 475-3581.

Filed April 29, 1976 11 13 a.m.

Doc. No. 762360

Joint Advisory Committee on Government Operations

Meetings

Meetings of the Natural Resources Subcommittee of the Joint Advisory Committee on Government Operations will be held on Tuesday, Wednesday, and Thursday, May 11, 12, and 13, 1976, 9 a.m. each day, in Room 300, State Capitol, Austin, to examine background papers and information received in public hearings.

Additional information may be obtained from Jean Williams, 911 Stephen F. Austin Building, Austin, Texas 78701, telephone (512) 475-7876.

Filed April 29, 1976, 10 19 a.m.

Doc. No. 762354-762356

Texas Health Facilities Commission

Emergency Meeting

An emergency meeting of the Texas Health Facilities Commission was held on Tuesday, April 27, 1976, 12:30 p.m., in Suite 450, 314 Highland Mall Boulevard, Austin. The commission met to consider adoption of an emergency rule, setting forth additional criteria to be used by the commission in reviewing applications for computerized axial tomographic scanners.

Additional information may be obtained from Michael R. Sharp, P.O. Box 15023, Austin, Texas 78761, telephone (512) 475-6940.

Filed April 27, 1976, 10 29 a.m.

Doc. No. 762302

Emergency Addition to Agenda

An emergency addition to the agenda of a meeting of the Texas Health Facilities Commission held on Thursday, April 29, 1976, 10 a.m., in Suite 450, One Highland Center, 314 Highland Mall Boulevard, Austin, was made to include consideration of ten applications for declaratory rulings, exemption certificates, administrative orders, and a motion for rehearing. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Michael R. Sharp, P.O. Box 15023, Austin, Texas 78761, telephone (512) 475-6940.

Filed April 27, 1976, 4:42 a.m.

Doc No 762314

Emergency Addition to Agenda

An emergency addition to the agenda of a meeting of the Texas Health Facilities Commission held on Thursday, April 29, 1976, 10 a.m., in Suite 450, One Highland Center, 314 Highland Mall Boulevard, Austin, was made to include consideration of an application by Red River Valley Home Health Service, Paris, for correction of a previously issued declaratory ruling.

Additional information may be obtained from Michael R. Sharp, P.O. Box 15023, Austin, Texas 78761, telephone (512) 475-6940.

Filed April 28, 1976, 11:46 a.m.

Doc No 762336

Meeting

A meeting of the Texas Health Facilities Commission will be held on Thursday, May 6, 1976, 10 a.m., in Suite 450, One Highland Center, 314 Highland Mall Boulevard, Austin, to consider 11 applications for declaratory rulings, exemption certificates, administrative orders, and certificates of need. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Michael R. Sharp, P.O. Box 15023, Austin, Texas 78761, telephone (512) 475-6940.

Filed: April 28, 1976, 11:46 a.m.

Doc. No. 762337

State Department of Highways and Public Transportation

Hearings/Meeting

Hearings and a meeting of the Commission of the State Department of Highways and Public Transportation will be held on Tuesday, May 4, 1976, 9 a.m., in the Large Hearing Room, 1st Floor, State Highway Building, 11th and Brazos, Austin. The hearings will include consideration of various highway, bridge, and F.M. road requests in Fort Bend, Harris, Wilson, Parker, and Hood Counties. The complete docket is available in the 2nd Floor Commission Office in the State Highway Building and is posted in the East Wing of the State Capitol. The meeting, to be held upon completion of the hearings, will include execution of contract awards and routine minute orders; consideration of decisions on presentations from public hearing dockets; a review of staff reports relative to planning and construction programs and dockets; and consideration of remaining old business, if any, from previous meetings. The agenda is available in the 2nd Floor Office of the Minute Clerk in the State Highway Building and is posted in the East Wing of the State Capitol.

Additional information may be obtained from the Office of the Engineer-Director, State Highway Building, Room 200, 11th and Brazos Streets, Austin, Texas 78701, telephone (512) 475-3525.

Filed April 26, 1976, 2:19 p.m.

Doc. No 762245

Meeting

A meeting of the State Department of Highways and Public Transportation will be held on Wednesday, May 5, 1976, 9 a.m., in Room 101-A, 1st Floor, State Highway Building, 11th and Brazos, Austin, to continue consideration of items remaining from May 4 meeting, as may be required. The agenda is available in the 2nd Floor Office of the Minute Clerk in the State Highway Building and is posted in the East Wing of the State Capitol.

Additional information may be obtained from the Office of the Engineer-Director, State Highway Building, 11th and Brazos Streets, Austin, Texas 78701, telephone (512) 475-3525.

Filed April 26, 1976, 2:19 p.m.

Doc. No. 762246

University of Houston

Meeting

A meeting of the Board of Regents of the University of Houston was held on Monday, May 3, 1976, 2 p.m., at 220 E. Cullen Building, 3801 Cullen Boulevard, Houston. The board considered approval of personnel recommendations; faculty salaries for 1976-77; commissioning of peace officers; parking regulations; proposed diagnostic and tutoring fees; reports of the Investment Committee and the Building Committee; gift income for March, 1976; and grants for research, traineeships, fellowships, equipment, and building purposes. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Philip G. Hoffman, University of Houston, Houston, Texas 77004, telephone (713) 748-6050.

Filed April 27, 1976, 11:05 a.m.

Doc No. 762295

State Board of Insurance

Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Tuesday, May 4, 1976, 10 a.m., in Room 343, 1110 San Jacinto Street, Austin, to consider the application of Empire Life and Hospital Insurance Company, McAllen, for approval of transaction with affiliate under Articles 21.49-1 and 1.29.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4230.

Filed April 27, 1976, 11:04 a.m.

Doc No. 762300

Emergency Addition to Agenda

An emergency addition to the agenda of a meeting of the State Board of Insurance to be held on Wednesday, May 5, 1976, 2 p.m., in Room 408, 1110 San Jacinto, Austin, was made to include consideration of hospital professional liability for Medenco, Inc.

Additional information may be obtained from William J. Harding, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-2950.

Filed April 29, 1976, 9:48 a.m.

Doc. No. 762348

Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Wednesday, May 5, 1976, 2 p.m., in Room 343, 1110 San Jacinto Street, Austin, to consider the application of Olympic Life Insurance Company, Indianapolis, Indiana, for admission to Texas.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4230.

Filed April 27, 1976, 11:04 a.m.

Doc No. 762299

Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Monday, May 10, 1976, 2 p.m., in Room 343, 1110 San Jacinto Street, Austin, to consider the application of Policyholders' Mutual Life Insurance Company, Houston, for approval of dissolution.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4230.

Filed April 27, 1976, 11:04 a.m.

Doc No. 762298

Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Monday, May 10, 1976, 2:15 p.m., in Room 343, 1110 San Jacinto Street, Austin, to consider the application of Houston National Life Insurance Company, Houston, for approval of dissolution.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4230.

Filed April 27, 1976, 11:04 a.m.

Doc No. 762297

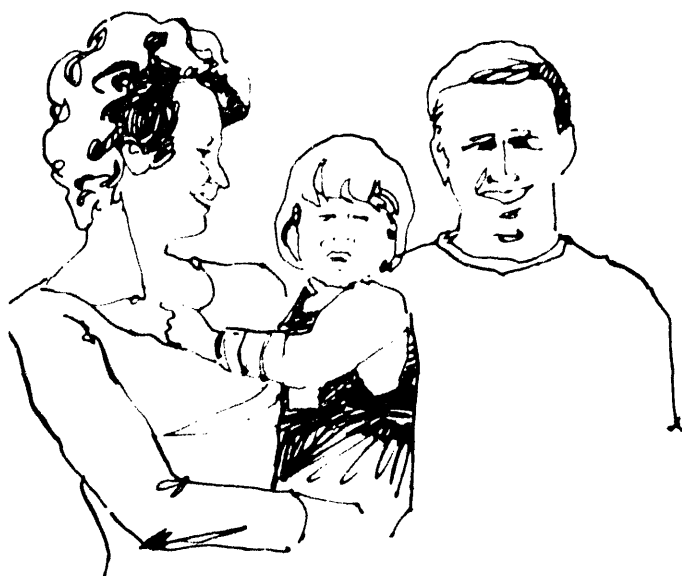
Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Tuesday, May 11, 1976, 10 a.m., in Room 343, 1110 San Jacinto Street, Austin, to consider the application of Prudential Health Plan, Inc., Houston, for initial certificate of authority to act as a Health Maintenance Organization (HMO).

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4230.

Filed April 27, 1976, 11 04 a.m.

Doc. No. 762296



Commission on Jail Standards

Meeting

A meeting of the Subcommittee on Personnel of the Commission on Jail Standards will be held on Thursday, May 6, 1976, 8:30 a.m., in Conference Room 441, Airport Marina Hotel, Dallas/Fort Worth Regional Airport, to consider a status report. Applications for the position of executive director will be discussed in executive session.

Additional information may be obtained from James Greenwood III, 2550 First City National Bank Building, Houston, Texas 77002, telephone (713) 236-2222.

Filed April 28, 1976, 2:06 p.m.

Doc. No. 762338

Texas Judicial Council Meeting

A meeting of the Texas Judicial Council will be held on Friday, May 14, 1976, 10 a.m., in Suite 312, 308 West 15th Street, Austin, to discuss the election of officers, appellate court settlement conferences, court reporting, court administration, council financing, and other council business.

Additional information may be obtained from C. Raymond Judice, Suite 312, 308 West 15th, Austin, Texas 78701, telephone (512) 475-2421.

Filed April 29, 1976, 9 43 a.m.

Doc. No. 762351

Texas State Board of Landscape Architects

Meeting

A meeting of the Texas State Board of Landscape Architects will be held on Wednesday, May 26, 1976, 9 a.m., in the Driskill Room, Driskill Hotel, Austin, to discuss regular business of the board and the addition of rules and regulations.

Additional information may be obtained from Kathryn Mitchell, 320 Sam Houston Building, Austin, Texas 78701, telephone (512) 475-3252.

Filed April 29, 1976, 9 44 a.m.

Doc. No. 762350

State Board of Morticians Meeting

A meeting of the State Board of Morticians will be held on Tuesday, May 11, 1976, 9 a.m., at 1513 South Interstate 35, Austin. The board will discuss the minutes of previous meeting, and will consider requests concerning lapsed licenses and apprenticeships. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from James W. McCammon, 1513 South Interstate 35, Austin, Texas 78741, telephone (512) 442-6721.

Filed April 28, 1976, 11 34 a.m.

Doc. No. 762324

Board of Pardons and Paroles

Meeting

A meeting of the Board of Pardons and Paroles will be held Monday through Friday, May 10 through 14, 1976, 9 a.m. each day, at 711 Stephen F. Austin Building, Austin, to review cases of inmates for parole consideration, to act on emergency reprieve requests and other acts of executive clemency, and to review reports regarding persons on parole.

Additional information may be obtained from Ken Casner, Room 711, Stephen F. Austin Building, Austin, Texas 78701, telephone (512) 475-3363.

Filed April 28, 1976, 10:23 a.m.

Doc. No. 762319

Texas Parks and Wildlife Department

Meeting

A meeting of the Fisheries Division, Environmental Branch of the Texas Parks and Wildlife Department will be held on Tuesday, May 18, 1976, 2 p.m., at the John H. Reagan Building, 15th and Congress, Austin, to consider the application of Garcia Sand and Gravel Company to remove sand and gravel from the Rio Grande River, Webb County, and the application of Harry Reed and Company to dredge in Clear Lake, Harris County.

Additional information may be obtained from C. E. Sharp, John H. Reagan Building, Austin, Texas 78701, telephone (512) 475-4471.

Filed: April 29, 1976, 9:45 a.m.

Doc. No. 762349

Meeting

A meeting of the Fisheries Division, Environmental Branch of the Texas Parks and Wildlife Department will be held on Tuesday, May 27, 1976, 2 p.m., in Room 100, John H. Reagan Building, Austin, to consider the application of J. B. Taylor for a permit to remove sand and gravel from the North Sulphur River, Lamar County.

Additional information may be obtained from C. E. Sharp, John H. Reagan Building, Austin, Texas 78701, telephone (512) 475-4471.

Filed April 28, 1976, 10:15 a.m.

Doc No 762317



Texas State Board of Examiners of Psychologists

Emergency Addition to Agenda

An emergency addition to a meeting of the Texas State Board of Examiners of Psychologists held Thursday through Sunday, April 29 through May 2, 1976, 9 a.m. each day, in Suite 103, 108 West 15th Street, and in Room 105, John H. Reagan Building, 101 West 15th Street, Austin. The addition included consideration of the announcement of a seminar by HARA, Inc., in connection with possible violations of the Psychologists Certification and Licensing Act and the establishment of criteria and consideration of rulemaking for the certification of psychologists.

Additional information may be obtained from Barry Read, Suite 103, 108 West 15th Street, Austin, Texas 78745, telephone (512) 475-6983.

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

Doc. No. 762344

Public Utility Commission of Texas

Meeting

A meeting of the Public Utility Commission of Texas will be held on Tuesday, May 11, 1976, 10 a.m., in Suite 450N, 7800 Shoal Creek Boulevard, Austin. The commission will consider applications of Dallas Power and Light Company, Deep East Texas Electric Cooperative, Houston County Electric Cooperative, Cherokee County Electric Cooperative, Panola-Harrison Electric Cooperative, Rusk County Electric Cooperative, Southwestern Electric Power Company, Texas Electric Service Company, Texas Power and Light Company, Upshur Rural Electric Cooperative, and Wood County Electric Cooperative for certificates of convenience and necessity for certain areas within Cherokee, Gregg, Harrison, Panola, Rusk, and Smith Counties.

Additional information may be obtained from Roy J. Henderson, Suite 450N, 7800 Shoal Creek Boulevard, Austin, Texas 78753, telephone (512) 475-7921.

Filed: April 27, 1976, 3 27 p.m.

Doc. No. 762247

Meeting

A meeting of the Public Utility Commission of Texas will be held on Monday, May 24, 1976, 10 a.m., in Suite 450N, 7800 Shoal Creek Boulevard, Austin. The commission will consider applications of the City of Brady, Cap Rock Electric Cooperative, Central Texas Electric Cooperative, Coleman County Electric Cooperative, Concho Valley Electric Cooperative, Kimble Electric Cooperative, Lower Colorado River Authority, McCulloch Electric Cooperative, the City of Mason, Southwest Texas Electric Cooperative, Taylor Electric Cooperative, Texas Electric Service Company, and West Texas Utilities Company for certificates of convenience and necessity for certain areas within Coke, Concho, McCulloch, Mason, Menard, Schleicher, Sutton, Kimble, and Tom Green Counties.

Additional information may be obtained from Roy J. Henderson, Suite 450N, 7800 Shoal Creek Boulevard, Austin, Texas 78753, telephone (512) 475-7921.

Filed: April 28, 1976, 10:50 a.m.

Doc. No. 762320

Meeting

A meeting of the Public Utility Commission of Texas will be held on Tuesday, June 1, 1976, 10 a.m., in Suite 450N, 7800 Shoal Creek Boulevard, Austin. The com-

mission will consider applications of the City of Canadian, Community Public Service Company, Deaf Smith Electric Cooperative, Greenbelt Electric Cooperative, North Plains Electric Cooperative, Rita Blanca Electric Cooperative, Southwestern Electric Cooperative, Southwestern Public Service Company, and Swisher Electric Cooperative for certificates of convenience and necessity for certain areas within Carson, Dallam, Gray, Hansford, Hartley, Hemphill, Hutchison, Lipscomb, Moore, Ochilree, Oldham, Potter, Randall, Roberts, and Sherman Counties.

Additional information may be obtained from Roy J. Henderson, Suite 450N, 7800 Shoal Creek Boulevard, Austin, Texas 78753, telephone (512) 475-7921.

Filed: April 27, 1976, 11:06 a.m.

Doc. No. 762294

School Land Board

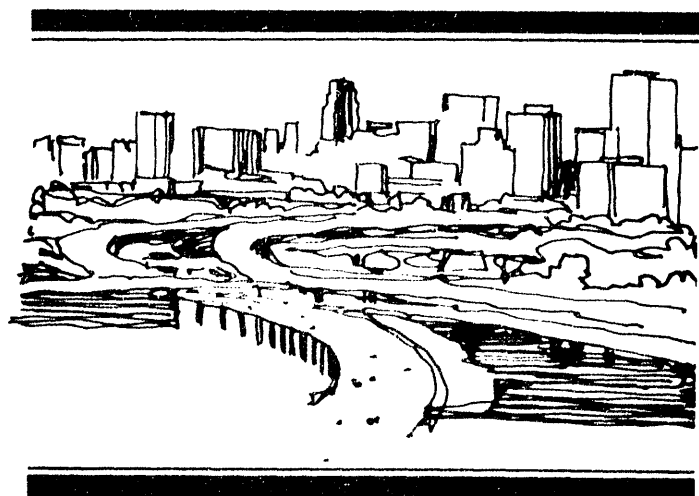
Meeting

A meeting of the School Land Board will be held on Tuesday, May 4, 1976, 10 a.m., in Room 831, 1700 North Congress, Austin. The board will consider pooling agreements; good faith claimants; four easement applications, one permit application, 39 permit renewals, and eight franchise agreements involving coastal public lands; discussion of proposed definitions for Rules 135.18.02.001-.009; and one lease revision (passed over at the April 20, 1976, meeting).

Additional information may be obtained from H. E. White, 1700 North Congress, Austin, Texas 78701, telephone (512) 475-6491.

Filed: April 26, 1976, 12:10 p.m.

Doc. No. 762242



Veterans Affairs Commission

Meeting

A meeting of the Veterans Affairs Commission will be held on Sunday, May 9, 1976, 9 a.m., at 321 Sam Houston Building, 201 East 14th Street, Austin. The commission will consider reports on activities of the commission, and make decisions relative to general administrative matters pertaining to Texas' veterans counseling and assistance programs.

Additional information may be obtained from Charles L. Morris, Box 12277, Capitol Station, Austin, Texas 78711, telephone (512) 475-4185.

Filed: April 27, 1976, 11:03 a.m.

Doc. No. 762301



Texas Water Quality Board

Emergency Addition to Agenda

An emergency addition to the agenda of a meeting of the Texas Water Quality Board held on Tuesday and Wednesday, April 27 and 28, 1976, 9 a.m. each day, at the Texas Department of Highways and Public Transportation Auditorium, 11th and Brazos Streets, Austin, was made to include Temporary Order 76-17E - Production Operators, Inc.; Temporary Order 76-18E - Dow Chemical Company, U.S.A., Texas Division; Temporary Order 76-23E - City of San Antonio (Mitchell Lake); discussion of the application of W. G. Middlebrooks, doing business as Pine Haven MHP; self-reporting system rules; and discussion of a possible permit application by Harris County FWSD No. 1B.

Additional information may be obtained from Michael W. McKinney, 1700 North Congress, Austin, Texas 78701, telephone (512) 475-6497.

Filed: April 26, 1976, 1:39 p.m.

Doc. No. 762244

Hearing

A hearing by the Hearings Division of the Texas Water Quality Board will be held on Thursday, June 3, 1976, 10 a.m., at the Council and Courts Building, Main and Freeman Streets, Duncanville, to consider applications for permits by: Camp Soroptimist, 6162 East Mockingbird Lane, Dallas, Texas 75214; Northwest High School, Route 1, Justin, Texas 76247; Mount Pleasant Dairy, Route 4, Stephenville, Texas 76401; J and J Beyer Dairy, Route 4, Box 242, Stephenville, Texas 76401. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Larry Soward, P.O. Box 13246, Capitol Station, Austin, Texas 78711, telephone (512) 475-7856.

Filed: April 28, 1976, 2:44 p.m.

Doc. No. 762340

Hearing

A hearing by the Hearings Division of the Texas Water Quality Board will be held on Thursday, June 3, 1976, 10 a.m., at the Council and Courts Building, Main and Freeman Streets, Duncanville. The division will consider applications for amendments to permits by: North Texas Municipal Water District (City of Mesquite), P.O. Drawer C, Wylie, Texas 75098, Permit 10221; and City of Wichita Falls (Jasper Street Water Treatment Plant), P.O. Box 1431, Wichita Falls, Texas 76307, Permit 10509. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Phillip Paine, P.O. Box 13246, Capitol Station, Austin, Texas 78711, telephone (512) 475-7845.

Filed: April 28, 1976, 2:45 p.m.

Doc. No. 762339

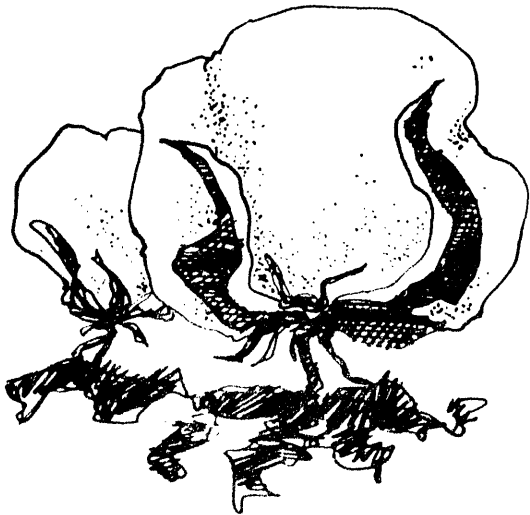
Hearing

A hearing by the Hearings Division of the Texas Water Quality Board will be held on Thursday, June 3, 1976, 10 a.m., at the Council and Courts Building, Main and Freeman Streets, Duncanville, pursuant to joint state-federal permit certification for Foseco Minsep, Inc., Permit 11148, in Dallas County amending the existing permit. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Phillip Paine, P.O. Box 13246, Capitol Station, Austin, Texas 78711, telephone (512) 475-7845.

Filed: April 28, 1976, 2:44 p.m.

Doc. No. 762342



Texas Water Rights Commission

Hearing

A hearing by the Texas Water Rights Commission will be held on Friday, May 21, 1976, 10 a.m., at the Stephen F. Austin Building, 1700 North Congress, Austin, to consider the appeals of dismissed claims by Norman Moser (Claims 10029, 10030, and 10031) and Buford E. New (Claim 10189).

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

Filed: April 28, 1976, 3:38 p.m.

Doc. No. 762346

Hearing

A hearing by the Hearings Division of the Texas Water Quality Board will be held on Thursday, June 3, 1976, 10 a.m., at the District Courtroom, Brazoria County Courthouse, Angleton. The division will consider application for an amendment to permits by: Texasgulf, Inc., P.O. Box 488, Newgulf, Texas 77462, Permit 00994; Texas Department of Corrections, Retrieve Unit, P.O. Box 99, Huntsville, Texas 77340, Permit 10829; Texas Department of Corrections, Ramsey Unit 2, P.O. Box 99, Huntsville, Texas 77340, Permit 10991; and Texas Department of Corrections, Clemens Unit, P.O. Box 99, Huntsville, Texas 77340, Permit 10878. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Patsy Viccinelli, P.O. Box 13246, Capitol Station, Austin, Texas 78711, telephone (512) 475-7861.

Filed: April 28, 1976, 2:44 p.m.

Doc. No. 762341

Texas Water Well Drillers Board

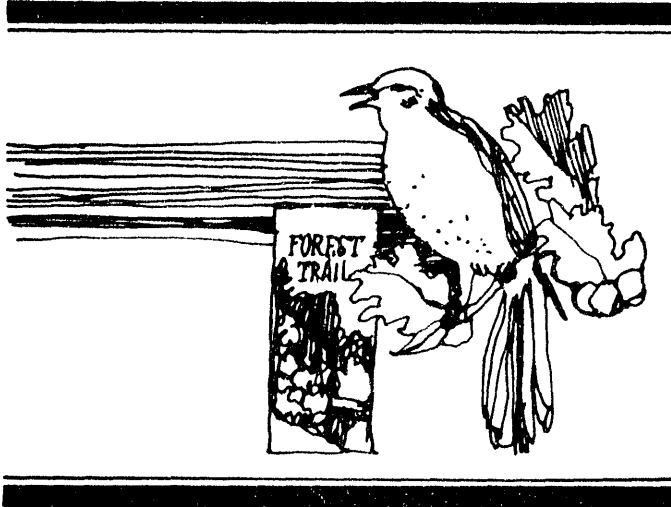
Meeting

A meeting of the Texas Water Well Drillers Board will be held on Tuesday, May 4, 1976, 9:30 a.m., in Room 119, Stephen F. Austin Building, 1700 North Congress, Austin. The board will consider approval of the minutes of the March 9, 1976, meeting; certification of new applicants for registration; a report on water well drillers examination; the progress report on registration of new drillers who were certified by board action; report on investigator's activities; and consideration of complaints and violations of the Water Well Drillers Act.

Additional information may be obtained from Fred Osborne, P.O. Box 13087, Capitol Station, Austin, Texas 78711, telephone (512) 475-3606.

Filed: April 26, 1976, 3:32 p.m.

Doc. No. 772248



Quasi-State Agencies

Meetings Filed April 26, 1976

The Lower Colorado River Authority held a special meeting at 3700 Lake Austin Boulevard, Austin, on May 3, 1976, at 2 p.m. For further information, contact Charles Herring, P.O. Box 220, Austin, Texas 78767, telephone (512) 474-5931.

The Central Texas Health Systems Agency, Board of Directors, will meet in the Science Lecture Hall, McClennan Community College, 1400 College Drive, Waco, on May 11, 1976, at 7:30 p.m. For further information, contact Irwin Salmanson, P.O. Box 15027, Austin, Texas 78752, telephone (512) 472-2431.

Doc. No. 762243

Meetings Filed April 27, 1976

The Education Service Center Region VII, Board of Directors, will meet at the First National Bank, Henderson, on May 4, 1976, at 1:30 p.m. For further information contact Von Rhea Beane, P.O. Box 1622, Kilgore, Texas 75662, telephone (214) 984-3071.

The Alamo Area Council of Governments, Executive Committee, met at 400 Three Americas Building, San Antonio, on April 28, 1976, at 1:30 p.m. For further information contact Al J. Notzon, 400 Three Americas Building, San Antonio, Texas 78205, telephone (512) 225-5201.

The Texas Pecan Producers Board, Board of Directors, will meet in Room 1046, Stephen F. Austin Building, Austin, on May 18, 1976, at 10 a.m. For further information contact Fred R. Brison, P.O. Box 202, College Station, Texas 77840, telephone (713) 693-7308.

The Houston-Galveston Area Council, Projects Review Committee, will meet at 3701 West Alabama, Houston, on May 4, 1976, at 9:30 a.m. For further information contact Stevie Walters, 3701 West Alabama, Houston, Texas 77027, telephone (713) 627-3200.

Doc. No. 762289

Meetings Filed April 28, 1976

The Panhandle Regional Planning Commission, Panhandle Regional Alcohol/Drug Abuse Services Coordinating Board, met in the Chamber of Commerce Conference Room, First Floor, Amarillo Building, Amarillo, on May 3, 1976, at 1:30 p.m. Further information may be obtained from George Loudder, P.O. Box 9257, Amarillo, Texas 79105, telephone (806) 376-4238.

The Colorado River Municipal Water District, Board of Directors, will meet at 400 East 24th, Big Spring, on May 6, 1976, at 10 a.m. Further information may be obtained from O. H. Ivie, P.O. Box 869, Big Spring, Texas 79720, telephone (915) 267-6341.

The Middle Rio Grande Development Council, Manpower Advisory Committee, will meet at the Multi-Purpose Center, Adams Street, Fort Duncan Park, Eagle Pass, on May 12, 1976, at 2 p.m., prior to the 3 p.m. meeting of the board of directors and the council. Further information may be obtained from Richard P. Thomas, Box 1461, Del Rio, Texas 78840, telephone (512) 775-1581.

The Permian Basin Regional Planning Committee, Government Application Review Committee, met at the Terminal Office Building, Midland, on April 29, 1976, at 2 p.m. Further information may be obtained from Susan Turner, P.O. Box 6391, Midland, Texas 79701, telephone (915) 563-1061.

The Panhandle Regional Planning Commission conducted a public meeting at the Texas Tech School of Medicine, 1400 Wallace Boulevard, Amarillo, on April 30, 1976, at 3 p.m. Further information may be obtained from George Loudder, P.O. Box 9257, Amarillo, Texas 79105, telephone (806) 372-3381.

The Education Service Center Region One, Bilingual Education Program, met at 1900 West Schunior, Edinburg, on April 28, 1976, at 2 p.m. For further information contact Charles W. Benson, 1900 West Schunior, Edinburg, Texas 78539, telephone (512) 383-6511, extension 110.

Doc. No. 762318

Meetings Filed April 29, 1976

The Region XX Education Service Center, Joint Committee and Board of Directors, will meet on May 5, 1976, at noon, at 1550 Northeast Loop 410, San Antonio. The Board of Directors will reconvene in a session scheduled for 2 p.m. the same day. Further information may be obtained from Dr. Dwain M. Estes, 1550 Northeast Loop 410, San Antonio, Texas 78209, telephone (512) 828-3551.

The Coastal Bend Council of Governments, Child and Youth Development Committee, will meet in the CBCOG Conference Room, 4600 Parkdale Drive, Corpus Christi, on May 7, 1976, at 10 a.m. Further information may be obtained from William Moore, P.O. Box 6609, Corpus Christi, Texas 78411, telephone (512) 854-3081.

Doc. No. 762353



Texas Health Facilities Commission

Notice of Hearings

The following hearings will be held in the offices of the Texas Health Facilities Commission, Suite 450, One Highland Center, Austin:

Gulf Coast Dialysis Center, 4407 Yoakum Boulevard, Houston, Texas 77006 (AS76-0225-005) is scheduled to appear at 1:30 p.m., May 3, 1976, to petition the commission for a certificate of need to expand existing artificial kidney dialysis center from 22 dialysis stations to 42 dialysis stations.

Big Bend Memorial Hospital, 801 East Brown, Alpine, Texas 79830 (AH76-0202-009) is scheduled to appear at 1:30 p.m., May 4, 1976, to petition the commission for a certificate of need to expand service areas including physical therapy, inhalation therapy, surgical work room dietary storage, and out-patient referral clinic.

Bayou Glen Nursing Center, 8820 Town Park Drive, Houston, Texas 77036 (AN76-0225-002) is scheduled to appear at 9 a.m., May 4, 1976, to petition the commission for a certificate of need to add 60 Type III beds to a 120-bed facility.

Rosebud Medical Services, for Heritage House Nursing Home, Box 618, Rosebud, Texas 76570 (AN76-0218-008) is scheduled to appear at 1:30 p.m., on May 5, 1976, to petition the commission for a certificate of need to add 24 ICF Type IV beds to an existing 102-bed facility.

San Antonio Community Hospital, 8026 Floyd Curl Drive, San Antonio, Texas 78229 (AH76-0227-022) is scheduled to appear at 1:30 p.m., May 5, 1976, to petition the commission for a certificate of need to modify and expand the intensive care and coronary care units of the hospital.

Humana, Inc., One Riverfront Plaza, Louisville, Kentucky 40201, owner of Medical City Dallas Hospital (AH76-0203-010); **Daughters of Charity of St. Vincent de Paul**, P.O. Drawer 5730, St. Louis, Missouri 63121, owners of St. Paul Hospital in Dallas (AH75-1229-001) and **Presbyterian Hospital of Dallas**, 8200 Walnut Hill, Dallas, Texas (AH76-0301-023), previously set for hearing at 10 a.m., April 26, 1976, are scheduled to appear at a rescheduled hearing at 1:30 p.m., May 6, 1976, to petition the commission for a certificate of need to purchase computerized axial tomographic whole body scanner.

The Board of Trustees of the MH/MR Center, 244 North Magdalen, San Angelo, Tom Green County, Texas 76901 (AA76-0301-004) is scheduled to appear

at 9 a.m., May 10, 1976, to petition the commission for a certificate of need to construct and remodel buildings to provide facilities which will meet life safety code requirements accreditation standards and meet service delivery requirements.

Mental Health Mental Retardation Center for Greater West Texas, 244 North Magdalen, San Angelo, Tom Green County, Texas 76901 (AA76-0204-008) is scheduled to appear at 10 a.m., May 10, 1976, to petition the commission for a certificate of need to provide an extended living facility operating under standards of the Department of Public Welfare ICF/MR for a maximum of 10 persons.

Providence Memorial Hospital, 2001 North Oregon, El Paso, Texas 79902 (AH76-0301-003) is scheduled to appear at 1:30 p.m., May 10, 1976, to petition the commission for a certificate of need to acquire a computerized axial tomography system for a whole body scanning.

Extended Living Halfway House for Adults, 590 Center Street, Beaumont, Texas 77701 (AA76-0303-001) is scheduled to appear at 9 a.m., May 11, 1976, to petition the commission for a certificate of need to construct a new facility to expand the halfway house by 15 additional beds over the current 15 beds in operation.

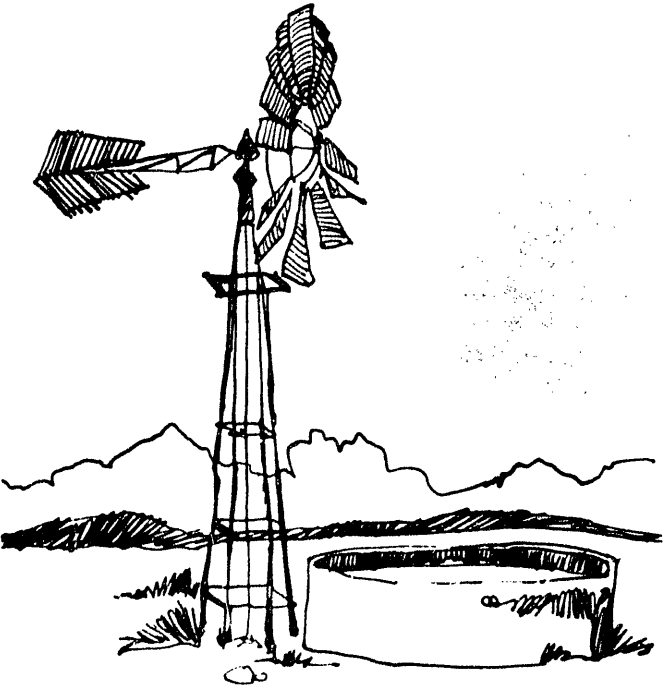
El Paso State Center, 6700 Delta, El Paso, Texas 79905 (AA76-0204-012) is scheduled to appear at 1:30 p.m., May 11, 1976, to petition the commission for a certificate of need to establish an outreach clinic in Alpine, to provide mental health and mental retardation services to residents of area counties.

Valley Hemodialysis Center, 816 South 12th, McAllen (AS76-0305-001) is scheduled to appear at 1:30 p.m., May 12, 1976, to petition the commission for a certificate of need to provide redistribution of renal dialysis services through utilization of three dialysis machines in the Brownsville area.

Grimes Memorial Hospital, 210 South Judson, Navasota, Texas 77868 (AH76-0218-010) is scheduled to appear at 1:30 p.m., May 12, 1976, to petition the commission for a certificate of need to expand existing hospital facilities by adding 20 beds.

Churches of Christ with the Elders of the Garland Road Church of Christ as trustees, 10715 Garland Road, Dallas, Dallas County, Texas 75218 (AN76-0210-015) is scheduled to appear at 9 a.m., May 14, 1976, to petition the commission for a certificate of need to expand Christian Care Center in Mesquite by adding 60 skilled and 60 intermediate level III care beds.

Eastwood Continuing Care and Rehabilitation Center, 10301 Gateway West, El Paso, Texas 79926 (AH76-0203-012) is scheduled to appear at 10 a.m., May 17, 1976, to petition the commission for a certifi-



cate of need to construct a 156-bed continuing care facility in two additional floors on the Eastwood General Hospital.

Eastwood Surgi-Center, 10301 Gateway West, El Paso, Texas 79926 (AH76-0203-013) is scheduled to appear at 10 a.m., on May 17, 1976, to petition the commission for a certificate of need to install a day-surgery (out-patient) center (surgi-center) in existing Eastwood Medical Clinic/Office Building.

Nortex Home Health Service, Inc., 1310 9th Street, Wichita Falls, Wichita County, Texas 76301 (AS76-0224-002) is scheduled to appear at 2 p.m., May 17, 1976, to petition the commission for a certificate of need to establish a home health agency in Wichita Falls to serve the counties in the North Texas Planning Region plus the counties of Knox, Haskell, and Throckmorton.

Drs. Prati, Hull, and Associates, P.A.; and Dr. Ronald C. Prati and Associates, P.A. of 1525 West Mockingbird Lane, Dallas, Dallas County, Texas 75235 (AS76-0211-006) are scheduled to appear at 1:30 p.m., May 17, 1976, to petition the commission for a certificate of need to establish the Dallas Kidney Disease Center at 3606 Live Oak, a 51-unit hemodialysis center.

Midland Presbyterian Homes, 2800 West Illinois, Midland (AN76-0301-001) is scheduled to appear at 9 a.m., May 18, 1976, to petition the commission for a cer-

tificate of need to build at Trinity Towers in Midland an adjacent five-story building containing 38 residential and 38 health care rooms. Although Trinity Towers is presently licensed for 24 level II beds, the project will cause a net increase of 26 beds and a total of 50 health care rooms with a final breakdown of 19 level II beds and 31 level III beds.

Home Help Care, Incorporated, 11613 January Drive, Austin, Texas 78753 (AS75-1104-012) is scheduled to appear at 1:30 p.m., May 18, 1976, to petition the commission for a certificate of need to establish a home health agency serving Austin and surrounding area.

St. Elizabeth Hospital, 2830 Calder, Beaumont, Texas 77702 (AH76-0301-022) is scheduled to appear at 1:30 p.m., May 19, 1976, to petition the commission for a certificate of need to acquire a computerized axial tomography whole body scanner.

Isla Carroll Sterling Turner Infant Care Center of Hermann Hospital, 1203 Ross Sterling Avenue, Houston, Texas 77039 (AH76-0305-013) is scheduled to appear at 10 a.m., on May 24, 1976, to petition the commission for a certificate of need to provide an intensive care facility for 16 critically ill, high risk infants and to allow for increased space needs for isolation, life support systems, staff, and education.

The Hermann Eye Center of Hermann Hospital, 1203 Ross Sterling Avenue, Houston, Texas 77030 (AH76-0305-014) is scheduled to appear at 10 a.m., May 24, 1976, to petition the commission for a certificate of need to develop ophthalmology treatment unit by remodeling the seventh floor of the main building and completing the interior of the seventh floor of the new building as an outpatient eye center.

Twin Pines Nursing Home, 3301 Mockingbird Lane, Victoria, Texas 77901 (AN76-0304-006) is scheduled to appear at 1:30 p.m., May 24, 1976, to petition the commission for a certificate of need to add 152 new beds to existing facility of 148 licensed beds.

St. Luke's Episcopal Hospital, 6720 Bertner, Houston, Texas 77030 (AH76-0324-001) is scheduled to appear at 1:30 p.m., May 26, 1976, to petition the commission for a certificate of need to conduct routine remodeling to accommodate expansion of Baylor College of Medicine Family Practice Training Program housed at St. Luke's Hospital.

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

Doc. No. 762313 Michael R. Sharp
 General Counsel
 Texas Health Facilities
 Commission

Filed: April 27, 1976, 4:40 p.m.

For further information, please call (512) 475-6940.

State Department of Public Welfare

Soliciting of Bids-- Management and Administration Study

The State Department of Public Welfare is soliciting bids from nationally-known management consulting firms for a management and administration effectiveness and efficiency study. Requests for additional information should be addressed to John Franrea, Project Office, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701. Bids are due no later than June 1, 1976. Due to the scope of this proposed study, only firms of national reputation and experience will be considered.

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

Doc. No. 762316 Raymond W. Vowell
 Commissioner
 State Department of Public
 Welfare

Filed: April 28, 1976, 8:30 a.m.

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

Texas Savings and Loan Department

Notice of Hearing

A hearing will be held to consider two applications filed with the commissioner: an application by a group of individuals for a charter for an association to be known as Southeastern Savings Association, with the principal office to be located on Highway 321 between Sterling and Bryan Streets, Dayton, Liberty County, and an application by Trinity Valley Savings and Loan Association, Cleveland, Liberty County, for a branch office to be located at the intersection of Myrtle and North Main Streets, Liberty, Liberty County, will be heard in a consolidated hearing to be held at 9:30 a.m., on Tuesday, May 11, 1976, in the offices of the Savings and Loan Department, 1004 Lavaca, Austin, pursuant to authority and jurisdiction granted by Article 852a, Texas Revised Civil Statutes Annotated, the Texas Savings and Loan Act.

The nature and purpose of the hearing is to accumulate a record of pertinent information and data in support of the applications and in opposition to the applications, from which record the commission shall determine whether to grant or deny the charter application and whether to grant or deny the branch application.

The particular sections of Article 852a involved are 2.01-2.09 and 11.11. The particular rules involved are 056.01.00.001-.013 and 056.02.00.003 and .004. Such rules are on file with the Secretary of State, Texas Register Division, or may be seen at the department's offices, 1004 Lavaca, Austin.

The applicants for charter assert that: (1) the prerequisites where applicable set forth in Sections 2.02-.2.06 of the Texas Savings and Loan Act have been met; (2) the character responsibility and general fitness of the persons named in the articles of incorporation are such as to command confidence and warrant belief that the business of the proposed association will be honestly and efficiently conducted and that the proposed association will have qualified fulltime management; (3) there is a public need for the proposed association and the volume of business in the community in which the proposed association will conduct its business is such as to indicate a profitable operation; and (4) the operation of the proposed association will not unduly harm any existing association.

The applicant association for a branch asserts: that operation of the proposed branch office will not unduly harm any other association operating in the vicinity; that there is a public need for the proposed branch office; that the volume of business in the community in which the proposed branch office will operate is such as to yield a profit to the association in a reasonable time and certain other assertions per Rules 056.02.00.003 and .004.

Anyone desiring to oppose either or both of these applications may do so by appearing at the scheduled hearing; however, it is requested that you notify the commissioner of your intentions prior to the hearing at P.O. Box 1089, Austin, Texas 78767.

Issued in Austin, Texas, on April 23, 1976.

Doc. No. 762329 W. Sale Lewis
 Commissioner
 Texas Savings and Loan
 Department

Filed: April 28, 1976, 12:03 p.m.

For further information, please call (512) 475-7991.

Notice of Hearings

Applications for Branch Offices

The following associations have made applications to the Savings and Loan Commissioner of Texas for the approval of branch offices.

The hearings are pursuant to authority and jurisdiction granted by Article 852a, Texas Revised Civil Statutes Annotated. The particular sections of the statute involved are 2.13 and 11.11. The particular rules involved are 056.01.00.003-.006, 056.01.00.011-.013, and .056.02.00.003 and .004.

The applicant associations assert that operation of the proposed branch offices will not unduly harm any other association operating in the vicinity; that there is public need for the proposed branch offices; that the volume of business in the communities in which the proposed branch offices will operate is such as to yield a profit to the associations in a reasonable time; and certain other assertions per Rules 056.02.00.003 and .004.

Anyone desiring to protest an application may do so by writing the commissioner at P.O. Box 1089, Austin, Texas 78767, and so indicating, or by appearing at 9:30 a.m. on May 14, 1976, at 1004 Lavaca, Austin, and voicing such protest when the application is called.

If no protest is registered prior to or at the time the application is called, the hearing may be dispensed with; if a protest is registered and existing when called, hearing on the application will be continued to a later date for the purpose of receiving testimony and evidence from the parties and to accumulate a record of pertinent information and data in support of the application and in opposition to the application.

Odessa Savings and Loan Association, Odessa, Ector County, is applying for approval of a branch office near Oakwood and University Drive, Odessa.

Doc. No. 762326

Fidelity Savings and Loan Association, Port Arthur, Jefferson County, is applying for approval of a branch office near the intersection of Gulfway Drive and LeBlanc Road, Winnie, Chambers County.

Doc. No. 762327

Houston First Savings Association, Houston, Harris County, is applying for approval of a branch office in the 13100 block of Memorial Drive, Houston.

Doc. No. 762328

Southeast Texas Savings and Loan Association, Woodville, Tyler County, is applying for approval of a branch office at U.S. Highway 69 and Texas Highway 327, Kountze, Hardin County.

Doc. No. 762330

Central Texas Savings and Loan Association, Marlin, Falls County, is applying for approval of a branch office in the vicinity of Texas Avenue and Commerce Street, Mart, McLennan County.

Doc. No. 762331

Capitol City Savings Association, Austin, Travis County, is applying for approval of a branch office at 6413 Airport Boulevard, Austin.

Doc. No. 762332



Texas Register

Correction of Error

A notice of an open meeting for the *Texas Tech University Medical School* was omitted from the April 23, 1976, issue of the *Texas Register*. The meeting was held April 24, 1976, 9:45 a.m., at the Board of Regents Suite at the Texas Tech University Campus. The Finance Committee was to discuss budget matters and hold an executive session. Further information may be obtained from Freda Pierce, Box 4039, Lubbock, Texas 79409, telephone (806) 742-6117.

The notice of open meeting for *Texas Tech University* which appeared in the April 23 issue erroneously stated that the Finance Committee was to consider the 1976-77 budget in executive session at the meeting held on April 24, 1976. The notice should have stated that the Finance Committee would discuss budget matters and hold an executive session.

Judiciary

Appearing below are the members of the Supreme Court of Texas and the Texas Court of Criminal Appeals. The members of the respective courts have offices in the State Supreme Court Building, Austin, Texas 78711. Each justice and judge is listed with his office telephone number.

Supreme Court

Joe Greenhill, Chief Justice
(512) 475-2416

Ross E. Doughty, Jr., Associate Justice
(512) 475-2074

Zollie Steakley, Associate Justice
(512) 475-2621

Jack Pope, Associate Justice
(512) 475-4691

Thomas M. Reavley, Associate Justice
(512) 475-2271

Sears McGee, Associate Justice
(512) 475-3623

James G. Denton, Associate Justice
(512) 475-2548

Price Daniel, Associate Justice
(512) 475-4414

Sam Johnson, Associate Justice
(512) 475-4615

Court of Criminal Appeals

John F. Onion, Jr., Presiding Judge
(512) 475-4467

Thurman M. Gupton, Judge
(512) 475-4121

Leon Douglas, Judge
(512) 475-3841

Truman Roberts, Judge
(512) 475-3053

Wendell A. Odom, Judge
(512) 475-2811

Dolph Briscoe, Governor
State Capitol
Austin, Texas 78711
(512) 475-4101

William P. Hobby, Lieutenant Governor
State Capitol
Austin, Texas 78711
(512) 475-3535

John L. Hill, Attorney General
Supreme Court Building
Austin, Texas 78711
(512) 475-4643

Bob Bullock, Comptroller of Public Accounts
State Finance Building
Austin, Texas 78711
(512) 475-6001

Jesse James, State Treasurer
State Finance Building
Austin, Texas 78711
(512) 475-2591

Bob Armstrong, Land Commissioner
General Land Office
Library and Archives Building
Austin, Texas 78711
(512) 475-2071

John C. White, Agriculture Commissioner
Agriculture Department
John H. Reagan State Office Building
Austin, Texas 78711
(512) 475-2760

Jim C. Langdon, Chairman
Railroad Commission of Texas
Ernest O. Thompson Building
Austin, Texas 78701
(512) 475-3365

Ben Ramsey, Commissioner
Railroad Commission of Texas
Ernest O. Thompson Building
Austin, Texas 78701
(512) 475-2644

Mack Wallace, Commissioner
Railroad Commission of Texas
Ernest O. Thompson Building
Austin, Texas 78701
(512) 475-3124

Statewide Elected Officials

Appearing below are the elected Texas administrative officials serving with statewide jurisdiction. Each official is listed with his title, office to which mail may be directed, and telephone number.