

SS00.6  
R263  
1/56

FILE COPY

Volume 1, Number 56, July 20, 1976  
Pages 1979 - 2016

# TEXAS REGISTER

## In This Issue...

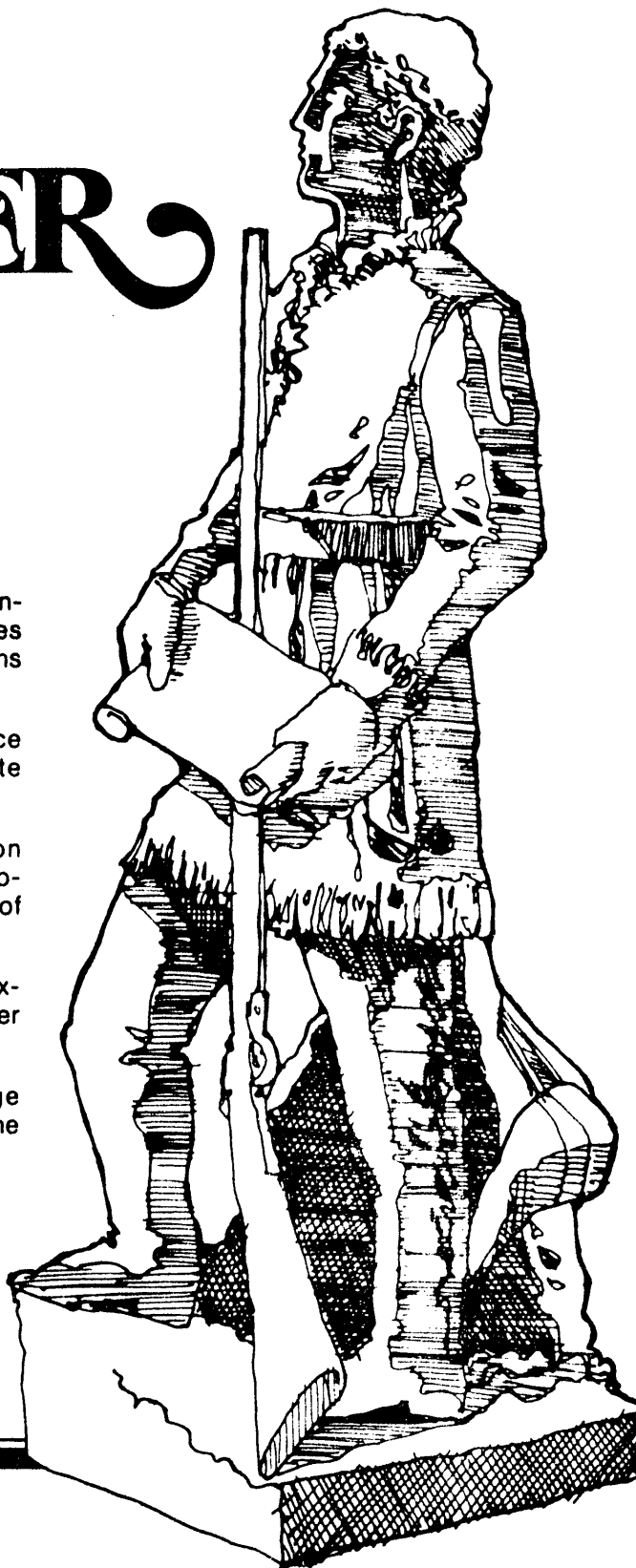
Emergency amendments to contractual placement services rules adopted by the Board of Pardons and Paroles

Accident and sickness insurance rules proposed by the State Board of Insurance

Rules concerning utilization review of nursing facilities proposed by the State Department of Public Welfare

Proposed amendment to time extensions rules of the Texas Water Rights Commission

Design criteria for sewerage systems rules adopted by the Texas Water Quality Board



Office of the Secretary of State

1980

# NOTES ON THE ISSUE

The Proposed Rules section of this issue contains the third and final installment of the State Board of Insurance proposed minimum standards for accident and health insurance. The rules are aimed at promoting public understanding of insurance coverage, and include requirements for the format, content, and readability of policies.

The Department of Public Welfare is proposing to adopt on a permanent basis a set of rules concerning nursing facilities. The rules have been in effect as emergency rules since July 1, 1976, as the result of an HEW requirement. The rules provide for a more intensive review of the services rendered in nursing facilities. Three subcategories of the rules appear in this issue. Two other subcategories, "Skilled Nursing Facility Procedural Guide" and "Intermediate Care Facility Procedural Guide," will be published in the July 23, 1976, issue of the *Register*.

A set of rules which spells out design criteria for sewerage systems has been adopted jointly by the Texas Department of Health Resources and the Texas Water Quality Board. The rules are intended to assist designing engineers in the planning of sewerage systems which comply with state statutes and pose no danger to the public health.

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

*Artwork Gary Thornton*

## TEXAS REGISTER

The *Texas Register* is published twice weekly, 100 times a year by the Texas Register Division, Office of the Secretary of State, Box 819, Texas Commodore Building, Austin, Texas 78701. Telephone (512) 475-7886.

The *Register* contains executive orders of the Governor; summaries of Attorney General's opinions and summaries of requests for opinions; emergency rules, proposed rules, and adopted rules of state agencies; notices of open meetings; and miscellaneous notices of general interest to the public of Texas.

Subscriptions, payable in advance, are \$25 (plus tax) for one year. Back issues, when available, are \$1 each (plus tax).

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



**Mark White**  
Secretary of State

*Texas Register Division*  
William H. Lalla, Director

Tommy Denton  
Anne Fitzpatrick  
Mary Barrow

Linda Camp  
Angie Montoya  
Becky Willard

Bobby Duncan  
Terry Foster  
Anne Lewis

## The Attorney General

### Requests for Opinions

- 1982 *RQ-1425 (depopulation of diseased swine herds)*
- 1982 *RQ-1426 (uniforms for Texas Animal Health Authority personnel)*
- 1982 *RQ-1427 (Texas Egg Law)*

### Open Records Decisions

- 1982 *ORD-126 (information held by the attorney general concerning specified parties)*
- 1982 *ORD-136 (attorney files held by the Board of Law Examiners)*

## Emergency Rules

### Board of Pardons and Paroles

- 1983 *Paroles*

## Proposed Rules

### State Board of Insurance

- 1984 *Accident and Sickness Insurance*

### Texas Department of Mental Health and Mental Retardation

- 1992 *Rules of the Commissioner of MH/MR Affecting Other Agencies and the Public*

### State Department of Public Welfare

- 1992 *Utilization Review*

### Texas Water Rights Commission

- 1997 *Particular Proceedings*

## Adopted Rules

### Texas Parks and Wildlife Department

- 1998 *Fisheries*
- 1998 *Parks*
- 1999 *Wildlife*

### State Securities Board

- 1999 *Transactions Exempt from Registration*
- 2000 *Administrative Guidelines for Registration of Open-End Investment Companies*

### Texas Water Quality Board

- 2001 *Design Criteria for Sewerage Systems*

### Texas Water Rights Commission

- 2003 *Water Districts*

## Open Meetings

- 2004 *Texas Air Control Board*
- 2004 *Texas Antiquities Committee*
- 2004 *State Banking Board*
- 2004 *Board of Examiners in the Basic Sciences*
- 2005 *Coordinating Board, Texas College and University System*
- 2005 *Credit Union Department*
- 2005 *Office of the Governor*
- 2006 *Texas Health Facilities Commission*
- 2006 *State Board of Insurance*
- 2007 *Lamar University*
- 2007 *State Board of Morticians*
- 2007 *Board of Pardons and Paroles*
- 2007 *Texas Parks and Wildlife Department*
- 2008 *Texas Board of Private Investigators and Private Security Agencies*
- 2008 *Public Utility Commission of Texas*
- 2008 *State Department of Public Welfare*
- 2008 *Railroad Commission of Texas*
- 2009 *Texas Real Estate Research Center*
- 2009 *Texas State Soil and Water Conservation Board*
- 2009 *Texas Water Development Board*
- 2010 *Texas Water Rights Commission*
- 2011 *Quasi-State Agencies*

## In Addition

### Texas State Board of Control

- 2013 *Purchasers*

### Texas Health Facilities Commission

- 2013 *Notice of Applications*

### State Department of Public Welfare

- 2014 *Notice of Public Hearing*

### Elected Officials

- 2014 *Texas Congressional Delegation*

### Elected State Officials

- 2015 *Statewide Elected Officials*
- 2015 *Judiciary*

# THE ATTORNEY GENERAL

1982

## Requests for Opinions

### Summary of Request for Opinion RQ-1425

Request for opinion sent to Attorney General's Opinion Committee by H. Q. Sibley, D.V.M., Executive Director, Texas Animal Health Commission, Austin.

**Summary of Request:** Does the commission have the authority under Subsections 4 and 5, Section 22A, Article 7014f-1, to depopulate herds of swine diagnosed with other swine diseases, namely pseudorabies, and indemnify the owners after such depopulation?

Filed July 9, 1976, 3:17 p.m.

Doc. No. 763736

### Summary of Request for Opinion RQ-1426

Request for opinion sent to Attorney General's Opinion Committee by H. Q. Sibley, D.V.M., Executive Director, Texas Animal Health Commission, Austin.

**Summary of Request:** May the Texas Animal Health Authority purchase uniforms, including boots and hats, for personnel in its Compliance and Enforcement Division?

Filed July 12, 1976, 10:54 a.m.

Doc. No. 763745

### Summary of Request for Opinion RQ-1427

Request for opinion sent to Attorney General's Opinion Committee by John C. White, Commissioner, Texas Department of Agriculture, Austin.

**Summary of Request:** (1) Under the Texas Egg Law, Article 165-8, Vernon's Texas Civil Statutes, should any person or business, as defined by Sections 14 and 15, who is required to obtain a license, be also required to pay the inspection fee required under Section 16A?

(2) Should any licensee under the Texas Egg Law who, as part of the normal operation of the business, first establishes the grade, size, and classification of eggs sold to military installations, be required to pay the inspection fee defined in Section 16A on eggs sold to the military in the State of Texas?

Issued in Austin, Texas, on July 1, 1976.

Doc. No. 763746 C. Robert Heath  
Opinion Committee Chairman  
Attorney General's Office

Filed: July 12, 1976, 10:53 a.m.

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

## Open Records Decisions

### Summary of Open Records Decision 126

Request for decision from Arthur Mitchell, Mitchell, George, and Belt, Austin, concerning a request for information held by the attorney general concerning specified parties.

**Summary of Decision:** Information held by the attorney general which relates to an individual and was obtained either through the attorney general's representation of the Judicial Qualifications Commission in its investigation of the activities of a judge or by the law enforcement efforts of the Attorney General's Crime Strike Force is not public under the Open Records Act. The specific exceptions involved are Sections 3(3)(1) (information deemed confidential by law specifically by Article 38.10, Code of Criminal Procedure, and by Section 1-a(10), Article 5, Texas Constitution), 3(a)(3) (information relating to litigation), 3(a)(7) (attorney-client privilege), and 3(a)(8) (law enforcement exception).

Filed: July 9, 1976, 3:25 p.m.

Doc. No. 763738

### Summary of Open Records Decision 136

Request for decision from George T. Barrow, Chairman, State Board of Law Examiners, Houston, concerning whether a file of an attorney held by the Board of Law Examiners is public under the Open Records Act.

**Summary of Decision:** The records of the State Board of Law Examiners are not subject to the provisions of the Open Records Act since they are records of the judiciary.

Issued in Austin, Texas, on July 7, 1976.

Doc. No. 763735 C. Robert Heath  
Opinion Committee Chairman  
Attorney General's Office

Filed: July 9, 1976, 3:17 p.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.

## Board of Pardons and Paroles

### Paroles

#### Contractual Placement Services 205.03.06

The Board of Pardons and Paroles is adopting emergency amendments to its Contractual Placement Services rules, which were adopted on an emergency basis on May 19, 1976, and published in the May 28, 1976, issue of the *Texas Register* (Volume 1, Number 42).

The amendments change the reference to the board's statutory authority to adopt rules from "Section 11, Article IV, Texas Code of Criminal Procedure, and Section 18, Article V, Appropriations Bill, 64th Legislature, 1975" to "Section 11, Article IV, Texas Constitution, and Section 19, Article V, Appropriations Bill, 64th Legislature, 1975;" change "Director of Field Services" to "Executive Director of Board of Pardons and

Paroles" in Rule .003; and substitute the term "halfway house" for the following terms throughout the rules: facility, service agency, agencies operating community treatment center programs, community-based treatment facilities, treatment center, community treatment center, and facility operating a community treatment center.

Identical rules were proposed as permanent rules in the July 2, 1976, issue of the *Register* (Volume 1, Number 51). The changes made to the emergency rules are expected to be incorporated into the permanent rules when they are adopted.

The purpose of the Halfway House Service Program is to provide the parole system with reasonable alternatives to parole denial and revocation by having a supervised living situation available at the time of release and at any time during the parole. Emergency rules must be adopted due to the immediate necessity to provide halfway house services for parolees.

The following is a list of the rule numbers and titles. For the text of the rules, see the May 28 and July 2, 1976, issues of the *Register*.

These amendments are adopted under the authority of Section 11, Article IV, Texas Constitution, and Section 19, Article V, Appropriations Bill, 64th Legislature, 1975.

- .001. *Organization and Staff.*
- .002. *Staff Duties.*
- .003. *Selection Review Procedures.*
- .004. *Personnel Policy of the Halfway House.*
- .005. *Fiscal Affairs of Halfway Houses.*
- .006. *Standards and Services.*
- .007. *Financial Contribution by Client.*

Issued in Austin, Texas, on July 9, 1976.

Doc. No 763747      Selma Wells  
Member  
Board of Pardons and Paroles

Effective Date: August 1, 1976

Expiration Date: September 17, 1976

For further information, please call (512) 475-3364.

# PROPOSED RULES

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

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

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

## State Board of Insurance

### Accident and Sickness Insurance

#### Rules for Minimum Standards and Benefits and Readability for Accident and Health Insurance Policies 059.37.01

The State Board of Insurance is proposing to adopt Rules 059.37.01.001-240 relating to standards for policy provisions, minimum standards for benefits, outline of coverage, pre-existing conditions, and readability of accident and sickness insurance policies issued or issued for delivery in this state.

Because of the length of the text, the proposed rules are being printed in three issues of the *Texas Register*. Proposed Rules 059.37.01.001-107 were published in the July 13, 1976, issue (Volume 1, Number 54), and Proposed Rules 059.37.01.110-188 were published in the July 16, 1976, issue (Volume 1, Number 55). The last segment of the text, Proposed Rules 059.37.01.189-240, and the appendix, Exhibit A, appear in this issue. Although the adoption date is indefinite, the earliest date that the rules may be adopted is computed from the July 13, 1976, publication date.

Public comment on Proposed Rules 059.37.01.001-240 is invited. Persons should submit their comments in writing to Doug Barnert, Assistant Deputy Commissioner, State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

A public hearing will be held before the State Board of Insurance at 9 a.m., Wednesday, August 18, 1976, in the Old Supreme Court Room, Third Floor, State Capitol, Austin, to hear evidence and determine whether these rules or the amendments thereof shall be formally adopted.

These rules are proposed under the authority of Senate Bill 696, Acts of the 64th Legislature, 1975.

*.189. Limited Benefit Coverage.* Limited benefit coverage is a policy of accident and sickness insurance providing the types of coverage set forth in Rules 059.37.01.181, 059.37.01.182, and 059.37.01.185, but the benefit amounts are less than those prescribed in such rules. Such policies issued or issued for delivery in this state in addition to meeting all other applicable requirements of these rules must prominently state at the top of the outline of coverage and on the face page of the policy in no less than 14-point type the notice set out in Rule 059.37.01.201.

*.190. Nonconventional Coverage.* The commissioner may authorize approval of a policy that does not correspond with one of the categories as described in Rule 059.37.01.181-189 if such policy is determined to be a type of coverage that is experimental in nature or a type of coverage that will in the opinion of the commissioner fulfill a reasonable public need and is appropriately and prominently described in the outline of coverage.

#### *.200. Outline of Coverage Required.*

(a) In order to facilitate public understanding of coverages and to provide for full and fair disclosure in the sale of individual accident and sickness insurance policies, no such policy may be issued or issued for delivery in this state unless an appropriate outline of coverage, as prescribed in these rules, is delivered. In the case of a direct response insurance product, the outline of coverage shall be delivered with the policy; and in all other cases, the outline of coverage shall be delivered to the applicant at the time application is made and acknowledgement of receipt or certificate of delivery of such outline of coverage is provided to the insurer.

The insurer may secure acknowledgement of delivery of the outline of coverage by an acknowledgement receipt attached to or made a part of the application; or by a certificate of delivery signed by the insured.

(b) In the event that a policy is issued on a basis other than that applied for which would require revision of the outline of coverage, a substitute, properly describing the policy, must be delivered with the policy and contain the following statement, in no less than 14-point type, at the top of the page: "*Notice: Read this outline of coverage carefully.* It is not the same as the outline of coverage given to you upon application because you have not been issued the coverage for which you first applied."

.201. *Requirements for Individual Coverage.* The outline of coverage for policies that are approved under Rule 059.37.01.189 shall prominently state in no less than 14-point type that the policy is "limited benefit basic hospital expense coverage," "limited benefit basic medical-surgical expense coverage," or "limited benefit disability income protection coverage." The outline of coverage shall further state at the top of the page the following language: "This policy does not meet the requirements of minimum standards for benefits for (state category of coverage) as prescribed by the State Board of Insurance of Texas."

The outline of coverage for policies approved under Rule 059.37.01.190 shall prominently state at the top in no less than 14-point type, capital letters, the following: "The coverage does not meet the minimum standards for benefits established for 'basic' categories of coverage required by the State Board of Insurance of Texas."

When no prescribed outline of coverage is appropriate for the coverage provided by the policy, an outline of coverage most appropriate to the categories of coverage offered shall be used.

.202. *Format, Content, and Readability.*

(a) *Format.*

(1) Each outline of coverage shall contain the appropriate text and be in the appropriate format of the outlines of coverage set forth in these rules and may not contain any material of an advertising nature, except for the insurer's logotype.

(2) The outline of coverage shall be plainly printed in light-faced type of a style in general use, the size of which shall be uniform except as provided in (4) below and not less than 12-point with a lowercase unspaced alphabet length not less than 130 point, with a minimum of one-point leading.

(3) The contrast and legibility of the color of ink and the color of paper of the outline of coverage shall be substantially the equivalent of that of black ink on white paper.

(4) Text that is capitalized or underscored in the outline of coverage may be of a different style type the size of which may be the same as or larger than that of other text.

(5) When an outline of coverage is integrated with a sales brochure, multicolored ink may be used on all portions of the brochure except the outline of coverage.

(b) *Content.*

(1) Drafting instructions for paragraph (1). The following language shall appear in each outline of coverage: "*Read Your Policy Carefully.* This outline of coverage provides a very brief description of the important features of your policy. This is not the insurance contract and only the actual policy provisions will control. The policy itself sets forth, in detail, the rights and obligations of both you and your insurance company. It is, therefore, important that you *read your policy carefully.*"

(2) Drafting instructions for paragraph (2). This paragraph shall be in the applicable form set out in Rules 059.37.01.200-.211 for the category of coverage provided.

(3) Drafting instructions for paragraph (3). This paragraph shall set forth a brief specific description of the benefits (including dollar amounts and number of days duration where applicable) provided by the policy with which the outline of coverage is to be used. The description shall be stated clearly and concisely and shall include a description of any elimination periods, deductible amounts, inner limits or co-payment requirements, and any other items applicable to the benefits described. If a benefit is stated in the outline of coverage but not provided in the policy as applied for or issued, a notation shall be made in the outline of coverage to the effect that no coverage is provided for that benefit.

(4) Drafting instructions for paragraph (4). This paragraph shall briefly describe any policy provisions which exclude, eliminate, restrict, reduce, limit, delay, or in any other manner operate to qualify payment of the benefits described in Paragraph (3). The circumstances under which any reduction becomes operative shall be included. Limitations on coverage for pre-existing conditions that qualify payment of benefits shall be summarized. Provisions which reduce benefits otherwise payable due to other coverage shall be described.

(5) Drafting instructions for paragraph (5). This paragraph shall include a description of the provisions regarding renewability including any limitation by age, time, or event, status requirements, any reservation by the insurer of a right to change premiums or right of cancellation, and any other matter appropriate to the terms and conditions of renewability.

(6) Drafting instructions for paragraph (6). The total premium payable shall be stated. In the event the mode stated is not an exact multiple of the annual premium, then the annual premium shall also be stated.

Initial policy fees shall be stated separately. If premiums are "step-rated," they shall either be disclosed for each step or as the initial premium may be disclosed accompanied by a statement as follows: "Renewal premiums for this policy will increase periodically depending upon (your age) (the policy year)." Unless a policy is issued with guaranteed premium rates, this paragraph must contain the statement "premiums are subject to change." This paragraph shall also include a statement of the policy grace period.

(c) Readability.

(1) Insurers shall utilize an appropriate test of readability in gauging the readability of paragraphs (3) through (6) of the outline of coverage prescribed by Rules 059.37.01.200-211. Such test may be selected from any one of the following:

(A) "Flesch" Formula, Rudolf Flesch, *The Art of Readable Writing* (1949, as revised 1974).

(B) "Cloze" Procedure, John R. Bormuth, "The Cloze Readability Procedure," *Elementary English* (April, 1968).

(C) Fry Graph, Edward Fry, *Journal of Reading* (April, 1968).

(D) Chall Readability, Jean Chall and Edgar Dale, "A Formula for Predicting Readability," *Educational Research Bulletin* (January, 1948).

(E) SMOG Grading, Harry McLaughlin, "A New Reading Formula," *Journal of Reading* (May, 1969).

(F) FOG Index, Robert Gunning, "The Technique of Clear Writing" and "How to Take the Fog Out of Writing," Dartnell Press.

(G) Farr-Jenkins-Paterson, "Simplification of Flesch Reading Ease Formula," *Journal of Applied Psychology*, (October, 1951).

(H) Any other test which may from time to time be established or approved by the commissioner.

(2) In utilizing a readability test, insurers shall establish a specific minimum level of readability no less than the equivalent of a ninth grade education. In determining the readability level, all prescribed language, any medical terms, or formal names may be deleted as a criteria of readability.

(3) Each insurer shall notify the commissioner as to the readability test adopted in compliance with this rule and any changes made or intended to be made in the use of such test.

(4) The insurer shall file the readability score of the outline of coverage along with the outline of coverage.

(5) Section (c) of this rule shall not apply to outlines of coverages used in connection with policies providing business buy-out agreements or key-man coverage.

.203. *Prescribed Outline of Coverage.* An outline of coverage, in the form prescribed below and drafted in accordance with the instructions set forth in Rule 059.37.01.202, shall be issued in connection with policies meeting the standards of Rules 059.37.01.181-189. The items included in the outline of coverage shall appear in the sequence prescribed below in Rule 059.37.01.204.

.204. *Outline of Coverage-- Basic Hospital Expense Coverage Policies.* Basic hospital expense coverage policies shall be accompanied by an outline of coverage in the following form:

(Company Name)

Basic Hospital Expense Coverage

Required Outline of Coverage

(1) *Read Your Policy Carefully.* This outline of coverage provides a very brief description of some of the important features of your policy. This is not the insurance contract and only the actual policy provisions will control. The policy itself sets forth, in detail, the rights and obligations of both you and your insurance company. It is, therefore, important that you *read your policy carefully!*

(2) Basic hospital expense coverage is designed to provide you with coverage for hospital expenses which you incur for necessary treatment and services rendered as the result of a covered injury or sickness. Coverage is provided for the benefits outlined in paragraph (3). The benefits described in paragraph (3) may be limited by paragraph (4).

(3) Benefits.

(4) Exclusions, Limitations, and Reductions.

(5) Renewability.

(6) Premium.

.205. *Outline of Coverage for Basic Medical-Surgical Expense Coverage Policies.* Basic medical-surgical expense coverage policies shall be accompanied by an outline of coverage in the following form:

(Company Name)

Basic Medical-Surgical Expense Coverage

Required Outline of Coverage

(1) *Read Your Policy Carefully.* This outline of coverage provides a very brief description of some of the important features of your policy. This is not the insurance contract and only the actual policy provisions will control. The policy itself sets forth, in detail, the rights and obligations of both you and your insurance company. It is, therefore, important that you *read your policy carefully!*

(2) Basic medical-surgical expense coverage is designed to provide you with coverage for the expenses which you incur for the necessary services of a physician for treatment of a covered injury or sickness. Coverage is provided for the benefits outlined in paragraph (3). The benefits described in paragraph (3) may be limited by paragraph (4).



- (3) Benefits.
- (4) Exclusions, Limitations, and Reductions.
- (5) Renewability.
- (6) Premium.

**.206. Outline of Coverage for Hospital Confinement Indemnity Coverage Policies.** Hospital confinement indemnity coverage policies shall be accompanied by an outline of coverage in the following form:

(Company Name)

**Hospital Confinement Indemnity Coverage**

**Required Outline of Coverage**

(1) *Read Your Policy Carefully.* This outline of coverage provides a very brief description of some of the important features of your policy. This is not the insurance contract and only the actual policy provisions will control. The policy itself sets forth, in detail, the rights and obligations of both you and your insurance company. It is, therefore, important that you *read your policy carefully!*

(2) Hospital confinement indemnity coverage is designed to provide you with a fixed daily benefit during period of hospital confinement resulting from a covered injury or sickness. Coverage is provided for the benefits outlined in paragraph (3). The benefits described in paragraph (3) may be limited by paragraph (4).

- (3) Benefits.
- (4) Exclusions, Limitations, and Reductions.
- (5) Renewability.
- (6) Premium.

**.207. Outline of Coverage Form for Major Medical Expense Coverage Policies.** Major medical expense coverage policies shall be accompanied by an outline of coverage in the following form:

(Company Name)

**Major Medical Expense Coverage**

**Required Outline of Coverage**

(1) *Read Your Policy Carefully.* This outline of coverage provides a very brief description of some of the important features of your policy. This is not the insurance contract and only the actual policy provisions will control. The policy itself sets forth, in detail, the rights and obligations of both you and your insurance company. It is, therefore, important that you *read your policy carefully!*

(2) Major medical expense coverage is designed to provide you with coverage for major hospital, medical, and surgical expenses which you incur as the result of a covered injury or sickness. Coverage is provided for the benefits outlined in paragraph (3). The benefits described in paragraph (3) may be limited by paragraph (4).

- (3) Benefits.
- (4) Exclusions, Limitations, and Reductions.
- (5) Renewability.
- (6) Premium.

**.208. Disability Income Protection Coverage Policies.** Disability income protection coverage policies shall be accompanied by an outline of coverage in the following form:

(Company Name)

**Disability Income Protection Coverage**

**Required Outline of Coverage**

(1) *Read Your Policy Carefully.* This outline of coverage provides a very brief description of some of the important features of your policy. This is not the insurance contract and only the actual policy provisions will control. The policy itself sets forth, in detail, the rights and obligations of both you and your insurance company. It is, therefore, important that you *read your policy carefully!*

(2) Disability income protection coverage is designed to provide you with coverage for disabilities resulting from a covered (accident or sickness or combination thereof). Coverage is provided for the benefits outlined in paragraph (3). The benefits described in paragraph (3) may be limited by paragraph (4).

- (3) Benefits.
- (4) Exclusions, Limitations, and Reductions.
- (5) Renewability.
- (6) Premium.

**.209. Accident Only Coverage Policies.** Accident only coverage policies shall be accompanied by an outline of coverage in the following form:

(Company Name)

**Accident Only Coverage**

**Required Outline of Coverage**

(1) *Read Your Policy Carefully.* This outline of coverage provides a very brief description of some of the important features of your policy. This is not the insurance contract and only the actual policy provisions will control. The policy itself sets forth, in detail, the rights and obligations of both you and your insurance company. It is, therefore, important that you *read your policy carefully!*

(2) Accident only coverage is designed to provide you with coverage for (death, dismemberment, disability, or hospital and medical care) resulting from a covered accident only. Coverage is provided for the benefits outlined in paragraph (3). The benefits described in paragraph (3) may be limited by paragraph (4).

- (3) Benefits.
- (4) Exclusions, Limitations, and Reductions.
- (5) Renewability.
- (6) Premium.

**.210. Specified Disease or Specified Accident Coverage Policies.** Specified disease or specified accident coverage policies shall be accompanied by an outline of coverage in the appropriate following form:

## (A) (Company Name)

**Specified Disease Coverage  
Required Outline of Coverage**

(1) *Read Your Policy Carefully.* This outline of coverage provides a very brief description of some of the important features of your policy. This is not the insurance contract and only the actual policy provisions will control. The policy itself sets forth, in detail, the rights and obligations of both you and your insurance company. It is, therefore, important that you *read your policy carefully!*

(2) Specified disease coverage is designed to provide you with coverage paying benefits only when certain losses occur as a result of the specified disease. Coverage is provided for the benefits outlined in paragraph (3). The benefits described in paragraph (3) may be limited by paragraph (4).

- (3) Benefits.
- (4) Exclusions, Limitations, and Reductions.
- (5) Renewability.
- (6) Premium.

## (B) (Company Name)

**Specified Accident Coverage  
Required Outline of Coverage**

(1) *Read Your Policy Carefully.* This outline of coverage provides a very brief description of some of the important features of your policy. This is not the insurance contract and only the actual policy provisions will control. The policy itself sets forth, in detail, the rights and obligations of both you and your insurance company. It is, therefore, important that you *read your policy carefully!*

(2) Specified accident coverage is designed to provide you with coverage paying benefits for (accidental death or accidental death and dismemberment combined, disability, or hospital and medical care) expenses which you incur as the result of the specifically identified accident. Coverage is provided for the benefits outlined in paragraph (3). The benefits described in paragraph (3) may be limited by paragraph (4).

- (3) Benefits.
- (4) Exclusions, Limitations, and Reductions.
- (5) Renewability.
- (6) Premium.

*.211. Limited Benefit Coverage Policies.* Limited benefit coverage policies shall be accompanied by an outline of coverage in the following form:

"This policy does *not* meet the requirements of minimum standards for benefits for the (state category of coverage) as prescribed by the State Board of Insurance of Texas."

(Company Name)

**Limited Benefit (state category of coverage)  
Required Outline of Coverage**

(1) *Read Your Policy Carefully.* This outline of coverage provides a very brief description of some of the important features of your policy. This is not the insurance contract and only the actual policy provisions will control. The policy itself sets forth, in detail, the rights and obligations of both you and your insurance company. It is, therefore, important that you *read your policy carefully!*

(2) This policy is designed to provide you with limited (state category of coverage: basic hospital expense, basic medical-surgical expense, or disability income protection) coverage, but it provides benefit amounts which are less than those prescribed by the State Board of Insurance as minimum benefit amounts for this type of coverage. Coverage is provided for the benefits outlined in paragraph (3). The benefits described in paragraph (3) may be limited by paragraph (4).

- (3) Benefits.
- (4) Exclusions, Limitations, and Reductions.
- (5) Renewability.
- (6) Premium.

*.212. Medicare Supplement Expense Coverage Policies.* Medicare supplement expense coverage policies shall be accompanied by an outline of coverage in the following form:

(Company Name)

**Medicare Supplement Expense Coverage  
Required Outline of Coverage**

(1) *Read Your Policy Carefully.* This outline of coverage provides a very brief description of some of the important features of your policy. This is not the insurance contract and only the actual policy provisions will control. The policy itself sets forth, in detail, the rights and obligations of both you and your insurance company. It is, therefore, important that you *read your policy carefully!*

(2) Medicare supplement expense coverage is designed to provide you with benefits for certain expenses not payable by Medicare. Coverage is provided for the benefits outlined in paragraph (3). The benefits described in paragraph (3) may be limited by paragraph (4).

- (3) Benefits.
- (4) Exclusions, Limitations, and Reductions.
- (5) Renewability.
- (6) Premium.

*.220. Generally.* In order to increase policyholder understanding of individual accident and sickness policies, insurers are encouraged to draft individual accident and sickness policies in a readable manner. In order not to devalue the policy as a legal document, the utmost care and caution must be used in its preparation. Article 3.70-3(A), Vernon's Annotated Texas

Statutes Insurance Code, requires the use of certain policy provisions in particular language or provisions not less favorable to the insured or beneficiary than those set forth in said article. The same is true with respect to optional policy provisions as provided in Article 3.70-3(B), Vernon's Annotated Texas Statutes Insurance Code. Notwithstanding these requirements of law, insurers are urged to experiment with new language in these areas.

Insurers are encouraged to follow the principles set forth in Rules 059.37.01.221-222 when preparing individual accident and sickness policies.

**.221. Organization of Policy Format.**

(a) The text of the policy shall be organized so that it follows a logical sequence.

(b) Coverages shall be self-contained and independent.

(c) The use of provisions which refer the reader to another section shall be avoided to the extent possible.

(d) General policy provisions applying to all or several like coverages, such as defined words and terms, shall be located in a common area.

(e) Insurers may utilize a separate definition section for words used throughout the policy. If a separate definition section is used, it shall appear early in the policy format.

(f) Nonessential provisions shall be eliminated.

(g) Captions shall be of type size and style to clearly stand out.

(h) Type size and style shall be legible and shall comply with the requirements set forth in Article 3.70-2(A)(4), Vernon's Annotated Texas Statutes Insurance Code.

(i) Ample blank space shall separate the policy provisions.

(j) Ample blank space shall appear between the columns of printing and the border of the paper.

(k) A table of contents or index may be utilized to enable the policyholder to readily locate particular provisions.

**.222. Language Readability.**

(a) Words shall be selected carefully with preference given to short, familiar words.

(b) Words which are generally familiar or are common speech shall be used to the extent possible.

(c) Use of technical or abstract words shall be avoided to the extent possible.

(d) While provisions that are more conceptually complex are more difficult to express in simplified language, sentences shall be expressed in the shortest possible manner.

(e) Complex and compound sentences shall be avoided to the extent possible.

(f) The use of prefixes and suffixes shall be avoided to the extent possible.

(g) Each insurer shall submit the readability score for the policy along with the policy when it is submitted for approval. The readability tests set forth in Rule 059.37.01.202 are recommended as guides for insurers.

**.230. Effective Date.** These rules, as adopted by the board, shall be effective 20 days from the date they are filed with the Office of the Secretary of State and shall be applicable to all individual accident and sickness insurance policies and subscriber contracts of hospital and medical and dental service associations filed for approval on and after such date. Policies or contracts which have been approved prior to the effective date of these rules and are not in compliance with these rules may be continued to be used until June 1, 1977, unless approval is specifically withdrawn as provided in Article 3.42, Vernon's Annotated Texas Statutes Insurance Code. All such policies or contracts issued or issued for delivery in this state after June 1, 1977, shall be in compliance with these rules.

**.240. Severability Clause.** If any rule or portion of a rule of the rules or the applicability thereof is held unconstitutional or invalid for any reason, such holding shall not in any manner affect the remaining rules and portions thereof, but the remaining rules and portions thereof shall remain in full force and effect.

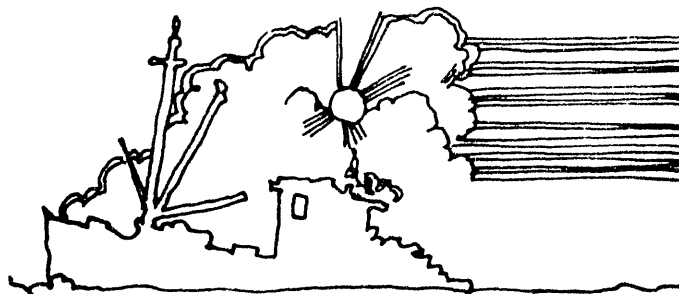
Issued in Austin, Texas, on July 6, 1976.

Doc. No. 763672 Pat Wagner  
Deputy Chief Clerk  
State Board of Insurance

Proposed Date of Adoption: Indefinite

For further information, please call (512) 475-7021.

(Exhibit A appears on pages 1990 and 1991.)



## EXHIBIT A

Exceptions or Exclusions Relating to:	Basic Hospital	Basic Medical	Basic Surgical	Hospital Indemnity	Major Medical	Disability Income	Accident Only	Specified Disease	Specified Accident
War, declared or undeclared, or any act thereof	X	X	X	X	X	X	X	X	X
Workmen's compensation, occupational disease, employers' liability or similar law, unless prohibited by law	X	X	X	X	X	X	X	X	X
Suicide, sane or any attempt thereat	X	X	X	X	X	X	X	X	X
Intentionally self-inflicted injury	X	X	X	X	X	X	X	X	X
Service in armed forces (while on active duty, etc.)	X	X	X	X	X	X	X	X	X
Participation in a riot or insurrection	X	X	X	X	X	X	X		
Mental, emotional or functional nervous disorders without demonstrable organic disease	X	X	X	X	X				
Pregnancy, childbirth	X	X	X	X	X	X			
Complications of pregnancy, miscarriage									
Routine physical exam and rest cures	X	X	X	X	X	X		X	
Dental limitations - except as necessitated by accidental injury	X	X	X	X	X				
Drugs, narcotics, hallucinogens	X	X	X	X	X	X	X		X
Transportation limitations	X			X	X			X	

Exhibit A

EXHIBIT A Continued. . .

Exceptions or Exclusions Relating to:	Basic Hospital	Basic Medical	Basic Surgical	Hospital Indemnity	Major Medical	Disability Income	Accident Only	Specified Disease	Specified Accident
Aircraft travel limitations; pilot, crew member						X	X		X
Veterans facilities for treatment of veterans	X	X	X		X			X	
Services for which no charge is made in absence of insurance	X	X	X	X	X			X	
Services covered under governmental plan	X	X	X	X	X			X	
Eye refractions, eyeglasses, dentistry, dental X-rays, etc.	X	X	X	X	X		X	X	
Hearing aids, dental prosthetic appliances, cosmetic surgery	X	X	X	X	X			X	
Motorcycle use, racing contests, professional athletics, hazardous occupation or avocations						X	X		
Hernia							X		
Territorial limitations						X			
Materials or services not recommended and approved by qualified physicians	X	X	X	X	X		X	X	X
Certain specified conditions, hernia, disorder of reproduction organs, varicose veins, hemorrhoids, appendix, tonsils, adenoids, and gall bladder	X	X	X	X	X	X		X	
Services rendered by immediate relatives or members of insured's family	X	X	X	X	X	X		X	

Volume 1, Number 56, July 20, 1976

Exhibit A (continued)



## Texas Department of Mental Health and Mental Retardation

### Rules of the Commissioner of MH/MR Affecting Other Agencies and the Public

#### Adoption by Reference of State Plans 302.03.12

The Texas Department of Mental Health and Mental Retardation is proposing to adopt Rule 302.03.12.001, adopting by reference the *Texas State Plan for Comprehensive Mental Health Services-- Fiscal Year 1977-- In Accordance with Public Law 94-63*.

The preparation and adoption of the state plan by the department is necessary to comply with Public Law 94-63. The existence of the state plan will allow community mental health centers in Texas to become eligible for federal funding. In addition, the state plan provides assurances to the Secretary of the United States Department of Health, Education, and Welfare that the Texas Department of Mental Health and Mental Retardation will comply with the requirements of Public Law 94-63.

The effect of the proposed rule would be the adoption by this department of the policies and procedures contained in the state plan.

Public comment on proposed Rule 302.03.12.001 is invited. Persons should submit their comments in writing to Kenneth D. Gaver, M.D., Commissioner, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Capitol Station, Austin, Texas 78711.

This rule is proposed under the authority of Section 2.11(b), Article 5547-202, Texas Civil Statutes.

.001. *Texas State Plan for Comprehensive Mental Health Services-- Fiscal Year 1977-- In Accordance with Public Law 94-63*. The Texas Department of Mental Health and Mental Retardation hereby adopts by reference the *Texas State Plan for Comprehensive Mental Health Services-- Fiscal Year 1977-- In Accordance with Public Law 94-63*, which is attached to this rule as Exhibit A. Exhibit A is available for public inspection at the Central Office of the Texas Department of Mental Health and Mental Retardation, located at 909 West 45th Street, Austin, Texas, and at the Texas Register Division of the Office of the Secretary of State, located in the Texas Commodore Building, 8th and Brazos Streets, Austin, Texas.

Issued in Austin Texas, on July 9, 1976.

Doc. No. 763737      Kenneth D. Gaver, M.D.  
Commissioner  
Texas Department of Mental  
Health and Mental Retardation

Proposed Date of Adoption: August 19, 1976

For further information, please call (512) 454-3761.

## State Department of Public Welfare

### Utilization Review

#### Implementation Procedures for Nursing Facilities 326.44.04

The State Department of Public Welfare conducts utilization review activities under a waived status from the Department of Health, Education, and Welfare (HEW) in nursing care facilities which participate in the Medicaid program. Notification has been received from HEW requiring the department to implement immediately more intensive review procedures to maintain waived status. Therefore, additional procedures have been developed which provide for utilization review activities in nursing care facilities in such a manner and frequency as to meet federal compliance requirements. The following rules were submitted as emergency rules effective July 1, 1976.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 234, 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 these proposed rules is scheduled for August 5, 1976, at 1 p.m., in Room 411, John H. Reagan Building, Austin. Those wishing to make oral or public comment may do so at the hearing.

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

*.001. Pre-Admissions.*

(a) A pre-admission is the establishment of need for health care services and/or a level of care determination prior to admission to a nursing care facility.

(b) Pre-admission requests for nursing facility care may be received from various sources and by various means of communication.

(1) All requests received from patients in technical medical care facilities, such as hospitals and nursing facilities, will be referred to the medical assistance unit (MAU).

(2) All requests received from patients not in technical medical care facilities will be referred to the local Department of Public Welfare (DPW) office.

(3) The medical assistance unit or the local DPW office will be responsible for:

(A) mailing the appropriate Medical-Nursing Care Evaluation with a self-addressed envelope to the attending physician;

(B) referring the individual for a financial eligibility determination.

(4) The attending physician is responsible for completing and signing the Medical-Nursing Care Evaluation and returning it to the regional medical assistance unit.

(5) A decision will be made regarding the need for nursing facility care. The MAU nurse will review the information received.

(A) If a level of care determination is made, the medical social worker assists the individual in entering a nursing care facility.

(B) The level of care will remain valid for a period of 30 days from the date the form was reviewed. If the individual is admitted to a nursing care facility within the 30-day period, the pre-admission level of care determination will serve as the admission certification. If the individual is not admitted to a nursing care facility within the 30-day period, a new pre-admission determination must be made.

(C) If the MAU nurse identifies alternate care as a possibility, the attending physician will be contacted by the MAU nurse or MAU physician and alternate care discussed.

(D) If a level of care determination is not

made, the attending physician will be contacted within two working days and allowed an opportunity to present his or her views and any additional information relating to the patient's need for nursing facility care.

(E) If the attending physician does not contest the decision within two working days after being contacted, the determination is final. If the attending physician does contest the decision or offers additional information, the final determination will be made by two MAU physicians.

(F) The individual and the attending physician will be notified of the decision in writing within five working days of receipt of the Medical-Nursing Care Evaluation. When a level of care determination is made, the notification will include the level of care, the effective date, and the expiration date.

*.002. Admissions.*

(a) Admission review establishes the existence of a need for health care services and allows a determination of level of care after the patient has been admitted to a nursing care facility or when a patient makes an application for assistance while in the nursing care facility.

(b) A Patient Transaction Notice must be submitted within 72 hours of admission or when the need for assistance is made known to the facility administrator.

(c) Types of admissions.

(1) When a patient is admitted with a current pre-admission level of care determination, the pre-admission will be processed as an admission.

(2) When a patient is admitted without a current pre-admission level of care determination, a completed Medical-Nursing Care Evaluation signed by the attending physician and the facility director of nurses must be submitted to the medical assistance unit regional office.

(d) All forms must be submitted within the specified time.

(1) The Medical-Nursing Care Evaluation must be received in the MAU regional office within seven calendar days of admission.

(2) All forms must be properly completed. Any forms that are returned for proper completion must be received in the MAU regional office within the original seven-day period.

(e) A decision will be made regarding the need for nursing facility care.

(1) The MAU nurse will establish a level of care based on the medical and nursing care information received.

(2) If the form is received in the MAU regional office within the required seven days, the level of care will become effective on the date of admission. If the form is received after the seventh day following admission, the level of care will become effective on the date the form was received in the MAU regional office.

(3) The MAU medical social worker will complete a Social Evaluation of Need for Nursing Facility Care within five working days from the date the admission Patient Transaction Notice was received in the MAU regional office. This will include an alternate care assessment and discharge planning.

(4) When the effective date for the level of care is determined the first continued stay review date will also be noted.

(5) If the MAU nurse denies a level of care or if the level of care determination differs from that recommended by the attending physician based on the medical and nursing care information received, the following steps will be taken:

(A) The attending physician will be contacted by the MAU nurse or the MAU physician within two working days for additional information prior to the final decision.

(B) If contested by the attending physician, two MAU physicians will concur and make the final determination.

(6) The facility administrator, the patient (or next of kin), and the attending physician will be notified in writing of the final determination not more than five working days from receipt of the Medical-Nursing Care Evaluation.

(A) When a level of care determination is made, the notification will include the level of care, the effective date, and the first continued stay review date.

(B) This will be followed by notification from the state office indicating the established level of care. If financial eligibility has already been established, the Patient Status and Payment Plan Notice will also include the individual payment plan.

(f) A discharge Patient Transaction Notice must be submitted when appropriate.

(g) A re-admission is an admission to the same facility following a Patient Transaction Notice discharge.

(1) A Patient Transaction Notice must be submitted within 72 hours of admission.

(2) In addition, a new admission certification using a Medical-Nursing Care Evaluation will be required when the patient has been in another nursing home.

(3) A new admission certification using a Medical-Nursing Care Evaluation will be required in the following situations:

(A) when more than 30 days have elapsed between the discharge and re-admission date;

(B) when there has been a change in the patient's diagnosis or substantial change in the plan of care;

(C) when the continued stay review has expired between discharge and re-admission.

## Utilization Review Committees 326.44.07

### .001. *Development of Utilization Review Committees.*

(a) The Certification Services Section receives notification that the facility has expressed interest in having a Utilization Review Committee (URC).

(b) The Certification Services Section notifies the Utilization Control Division of the facilities that have expressed an interest in having a URC.

(c) The Utilization Control Division notifies the regional medical assistance unit (MAU) of the expressed interest.

(d) The MAU contacts the facility and supplies an application form.

(e) The facility completes the application form and forwards it to the regional MAU office. Committee composition includes two or more physicians, a patient care coordinator, and other professional staff to represent ancillary services provided, such as nursing, social services, physical therapy, etc. The patient care coordinator is to be a registered nurse; therefore, the requirement for nursing services representation will be covered by this committee position.

(f) The MAU evaluates the application and makes recommendations concerning approval of the proposed committee members. The application form and recommendations are forwarded to the Utilization Control Division.

(g) The Utilization Control Division contacts the committee applicants regarding the contract negotiations.

(h) Final approval or disapproval of the committee is made by the Utilization Control Division. The MAU is notified of the approval or disapproval.

(i) The MAU sets up orientation and training sessions for the committee. These training sessions include the following:

- (1) supplying committee with appropriate forms;
- (2) level of care determination criteria;
- (3) level of care determination procedure;
- (4) processing of related forms;
- (5) physician's appeal procedure;
- (6) patient appeal procedure;
- (7) waiver notification procedure;
- (8) notification procedures for receipt of late medical evaluation forms;
- (9) proper use of various notification letters.

(j) The MAU monitors the work of the committee and provides on-going consultation.

(k) Pending approval and completion of contractual arrangements, the MAU continues to perform utilization review activities.



## Medical Assistance Unit Procedures 326.44.08

### .001. Pre-Admissions.

(a) Requests for nursing facility care received in the local Department of Public Welfare (DPW) office.

(1) The Aged, Blind, and Disabled (ABD) social services worker mails a Medical-Nursing Care Evaluation to the attending physician and encloses an envelope addressed to the regional medical assistance unit (MAU) office.

(2) The ABD social services worker refers the individual for an eligibility determination to either the Social Security Administration (SSA) or a DPW medical eligibility worker.

(3) The ABD social services worker completes a Home Care Assessment and a Medical-Social Referral and forwards them along with the appropriate recommendation to the regional MAU office.

(b) Requests for nursing facility care received in the MAU office.

(1) The MAU nurse mails a Medical-Nursing Care Evaluation to the attending physician with a self-addressed envelope.

(2) The MAU nurse refers the individual for an eligibility determination to either SSA or a DPW medical eligibility worker.

(3) The MAU nurse notifies the MAU medical social worker of the request for nursing facility care if the individual is in a technical medical care facility.

(A) The MAU medical social worker completes a Social Evaluation of Need for Nursing Facility Care and makes an initial recommendation within three working days.

(B) Contact may be made with the ABD social services staff to determine the availability of alternate care resources and to alert ABD to the possible referral for alternate care placement.

(C) The Social Evaluation of Need for Nursing Facility Care is forwarded to the regional MAU office.

(4) The MAU nurse notifies the ABD social services worker if the individual is not in a technical medical care facility.

The ABD social services worker completes a Home Care Assessment and submits it, with a Medical-Social Referral and appropriate recommendations, to the MAU within three working days.

(c) A decision is made regarding nursing facility care by the MAU nurse.

(1) If a level of care determination is made, the medical social worker assists the individual in entering a nursing care facility.

(2) The effective date for the level of care determination is the date the form was completed and remains valid for 30 days from that date.

(3) The attending physician and the individual are notified within five days of receipt of the forms.

(4) If the individual is admitted to a nursing care facility within the 30-day period, the pre-admission level of care determination serves as the admission certification and the level of care remains valid until the first continued stay review date.

(d) If the MAU nurse identifies alternate care as a possibility, the attending physician is contacted and alternate care discussed.

(1) If alternate care is available and feasible, a referral is made to the ABD social services worker for placement in the appropriate setting.

(2) The Medical-Nursing Care Evaluation and the Social Evaluation of Need for Nursing Facility Care or the Home Care Assessment are forwarded to the worker with appropriate recommendations.

(e) If a level of care determination is not made or if it differs from the level of care recommended by the attending physician, the attending physician is contacted within two working days and allowed an opportunity to present his or her views and any additional information relating to the patient's need for nursing facility care.

(1) If the attending physician does not contest the decision within two working days, the determination made by the MAU physician is final.

(2) If the attending physician does contest the decision or offers additional information, the final determination is made by two MAU physicians.

(3) The individual and the attending physician are notified of the decision in writing within five working days of receipt of the forms.

(f) Appeals procedure:

(1) The request for an appeal must be made within 60 days from the effective date (review date).

(2) All patients or sponsors are required to contact the MAU of their choice to appeal.

(3) The MAU completes a Petition for Fair Hearing and mails it and a copy of the latest Medical-Nursing Care Evaluation to the regional hearing officer.

(4) The attending physician must be contacted on all adverse decisions (those which disagree with the attending physician's recommendation).

(5) With regard to periodic medical reviews, the attending physician must be contacted any time the level of care is changed or denied.

(6) Documentation must be made on the Medical-Nursing Care Evaluation indicating the date the attending physician was contacted and whether he or she agreed or disagreed with the decision to change the level of care.

(7) If the attending physician agrees with the decision to change the level of care, the effective date of the change will be the date the review was done.

(8) If the attending physician disagrees with the decision to change the level of care and two MAU physicians concur and override the attending physician, the effective date of the change will be 10 days from the date of the written notification to recipient. In this case, the following are applicable if the patient appeals:

(A) If the patient appeals prior to the effective date, the level of care will remain the same pending the appeal.

(B) If the hearing officer overrules the decision, the level of care will remain the same until the next continued stay review is done.

(C) If the hearing officer sustains the decision to change the level of care, the effective date of the change will be 10 days after the date of notification.

(9) If the patient appeals after the effective date of the level of care change, the hearing officer will be notified and the regular appeals procedures followed.

(10) If the hearing officer overrules the decision to change the level of care, payment will be made retroactively in accordance with the appeal decision.

(11) In all instances except a denial, the new continued stay review date will be established based on the date the review was done.

#### .002. Admissions.

(a) Patient has current pre-admission level of care determination and the admission form is received in the MAU office.

(1) The MAU nurse changes the Medical-Nursing Care Evaluation from pre-admission to admission, changes the effective date, and establishes a continued stay review date.

(2) The level of care remains the same as that established on the pre-admission level of care determination.

(3) The appropriate persons are notified.

(b) Patient does not have a current pre-admission level of care determination and the admission form is received in the MAU office.

(1) Medical social worker is notified of the admission in order to complete an alternate care assessment and discharge plan.

(2) The Medical-Nursing Care Evaluation must be received within seven days of admission for the effective date to be the date of admission.

(3) A decision regarding nursing facility care is made by the MAU nurse.

(A) If the level of care determination agrees with the attending physician's recommendation, a continued stay review date is established.

(B) If the level of care differs from that recommended by the attending physician, or if the level of care is denied, the attending physician is notified within two working days and allowed an opportunity to present his or her views and any additional information

relating to the patient's needs for nursing facility care.

(C) If the attending physician does not contest the decision within two working days, the determination made by the MAU physician is final.

(D) If the attending physician does contest the decision or offers additional information, the final determination is made by two MAU physicians.

(E) In contested cases in which the final determination is adverse, the notification letter must be signed by the two MAU physicians who reviewed the case.

(F) The proper individuals are notified of the decision in writing no later than five working days from receipt of the Medical-Nursing Care Evaluation.

(G) After the final determination has been made, a new continued stay review date is established.

(c) The appeals procedures for an admission level of care determination are the same as those given for pre-admission. See Rule 326.44.08.001(f).

.003. *Continued Stay Review Appeals Procedure.* The appeals procedures for a continued stay review are the same as those given for pre-admission. See Rule 326.44.08.001(f).

.004. *Waiver Procedure.* When a waiver is required, the facility is notified.

(a) Suspense files are maintained pending receipt of waiver request forms to be submitted within 15 days.

(b) The file is correlated with the waiver request forms received in the MAU office.

(1) The MAU nurse reviews the form and makes the appropriate recommendations.

(2) All forms and recommendations are forwarded to the MAU physician.

(A) If the waiver is approved, the original signed by the MAU physician is forwarded to the facility for inclusion in the patient's clinical record.

(B) If the waiver is denied, the facility is notified.

(i) A second file is set up in the local office for 15-day extension of vendor payments.

(ii) If the Medical-Nursing Care Evaluation or Patient Transaction Notice has not been received on the 15th day, the nursing facility is contacted to determine patient status regarding discharge.

Issued in Austin, Texas, on July 12, 1976.

Doc. No. 763766      Raymond W. Vowell  
Commissioner  
State Department of Public  
Welfare

Proposed Date of Adoption: August 19, 1976

For further information, please call 475-4601.

# Texas Water Rights Commission

## Particular Proceedings

### Time Extensions 129.06.25

The Texas Water Rights Commission is proposing to amend Rule 129.06.25.002 in order to reduce the fees to be charged in connection with certain applications for extensions of time to begin construction, modification, or repair of storage reservoirs.

The proposed amendment would reduce the fees for an extension of time to begin work, if the new beginning date will be not more than four years from the date of issuance of the permit. The reduction would eliminate the current requirement of an "extension fee" in connection with such applications. The effect of the amendment would be to reduce the fees currently charged permit holders who experience short delays in beginning construction due to circumstances which may be beyond their control.

Public comment on the proposed amendment to Rule 129.06.25.002 is invited. Comments may be submitted by telephoning the office of the commission at (512) 475-2711, or by writing the commission at P.O. Box 13207, Capitol Station, Austin, Texas 78711.

The amendment to Rule 129.06.25.002 is proposed under authority of Sections 6.055 and 5.143 of the Texas Water Code and reads as follows:

*.002. Construction, Modification, or Repair of a Storage Reservoir-- Beginning of Work.* When a permit is issued to construct or modify a storage reservoir or to maintain a storage reservoir for which modifications or repairs are required, the commission shall fix the time when actual work on the structure shall begin, not to exceed two years from the issuance of the permit. This time limit may be extended by the commission for reasonable periods (Section 5.143(b)).

(a) Documents needed to file. An application for extension of time setting forth the reasons why the reservoir work could not be begun within the time required.

(b) Fees. Prior to filing, the applicant shall pay the following fees:

- (1) filing fee-- \$25;
- (2) recording fee, per page-- \$1.

(c) Notice and hearing. If the proposed construction start is more than four years from the date of issuance of the permit, notice and hearing in the manner of a new application for permit will be required. Otherwise, no such notice is required.

(d) Other fees. If notice and hearing in the manner of a new application for a permit is required, the applicant shall pay fees not to exceed \$1,000 apportioned as follows:

- (1) filing and recording fees as stated in 129.06.25.002(b);
- (2) any required mailing fees;
- (3) extension fee, per acre-foot of storage-- 50 cents.

[(b) Fees for notice. If notice is required to be mailed and published, applicant shall pay required fees.]

[(c) Other fees. Prior to filing, the applicant shall pay fees not to exceed \$1,000 apportioned as follows:

- [(1) filing fee-- \$25;
- [(2) recording fee, per page-- \$1;
- [(3) extension fee, per acre-foot of storage-- 50 cents (Section 5.143(b)).]

[(d) Notice and hearing. If the proposed construction start is more than four years from the date of issuance of the permit, notice and hearing in the manner of a new application for permit will be required. Otherwise, no such notice is required.]

(e) Action of the commission. An order is adopted either granting or refusing the extension of time, and a copy is sent to the holder of the permit.

Issued in Austin, Texas, on July 9, 1976.

Doc. No. 763773      Robert E. Schneider  
Executive Director  
Texas Water Rights  
Commission

Proposed Date of Adoption: August 13, 1976

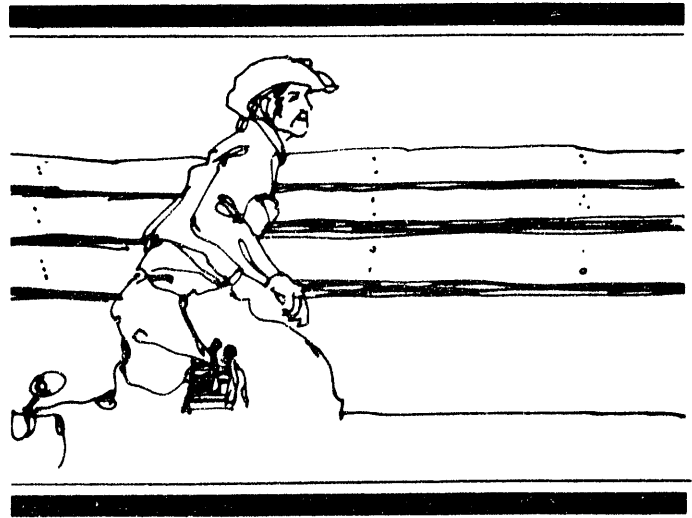
For further information, please call (512) 475-2711.



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

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

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



## Texas Parks and Wildlife Department

### Fisheries

#### Department Comments on U.S. Army Corps of Engineers Permit Applications Procedures 127.30.23

Under the authority of Sections 11.011 and 11.033, Texas Parks and Wildlife Code, the Texas Parks and Wildlife Commission has adopted Rule 127.30.23.001, to read as follows:

**.001. Procedures.** The Texas Parks and Wildlife Department will provide objective comments on all applications submitted to the U.S. Army Corps of Engineers for permits in accord with Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Federal Water Pollution Control Act of 1972, and related federal regulations.

Issued in Austin, Texas, on July 12, 1976.

Doc. No. 763781      Perry V. Spalding  
Administrative Assistant  
Texas Parks and Wildlife  
Department

**Effective Date:** August 3, 1976

For further information, please call (512) 475-4471.

### Parks

#### Relocation Assistance in Park Acquisition Projects 127.40.11

Under the authority of Article 3266b, Texas Civil Statutes, the Texas Parks and Wildlife Commission has adopted Rules 127.40.11.001-.003, to read as follows:

**.001. Definitions.**

(a) "Person" means an individual, partnership, corporation, or association.

(b) "Displaced person" means a person occupying land under consideration for acquisition for park purposes on the date the department makes the first personal contact with the owner of the property, or his designated representative, when the price for the property to be acquired is discussed.

(c) "Initiation of negotiations for the parcel" means the first personal contact with the owner of the property, or his designated representative, when the price for the property to be acquired is discussed.

**.002. Purpose.** The Texas Parks and Wildlife Commission will determine, on an individual basis, whether to provide relocation assistance to a person occupying land being acquired for park purposes for which there is no federal funding.

**.003. Procedures.**

(a) When relocation assistance is approved by the commission:

(1) The head of the household or the owner being displaced shall be contacted personally by a representative of the department, or a representative of an agency with which the department has contracted to fulfill its responsibilities, to explain the program.

(2) A displaced person shall be assisted in locating and obtaining housing comparable to that being occupied and that which is being acquired by the state; in any event such housing shall be safe, decent, and sanitary. Such housing will be open to all persons, regardless of race, color, religion, sex, or national origin.

(b) When relocation assistance is approved by the commission, it will:

(1) be available to individuals, families, businesses, farmers, ranchers, and non-profit organizations displaced as the result of a park acquisition project;

(2) apply to tenants as well as owners occupying property acquired for park purposes; and

(3) not be provided unless the property is subsequently purchased by the department.

Issued in Austin, Texas, on July 12, 1976.

Doc. No. 763782 Perry V. Spalding  
Administrative Assistant  
Texas Parks and Wildlife  
Department

Effective Date: August 3, 1976

For further information, please call (512) 475-2666.

## Wildlife

### Statewide Hunting, Fishing, and Trapping Proclamation 127.70.01

Under the authority of Chapter 61, Texas Parks and Wildlife Code, the Texas Parks and Wildlife Commission has amended Rule 127.70.01.001 to read as follows:

.001. *Statewide Hunting, Fishing, and Trapping Proclamation No. A-3, 1975-76.* The Texas Parks and Wildlife Department adopts the Statewide Hunting, Fishing, and Trapping Proclamation No. A-3, 1975-76, by reference, as amended on June 29, 1976. This proclamation regulates the periods of time when it is lawful to take wildlife resources and the means, methods, manners, and places.

Issued in Austin, Texas, on July 13, 1976.

Doc. No. 763783 Perry V. Spalding  
Administrative Assistant  
Texas Parks and Wildlife  
Department

Effective Date: August 3, 1976

For further information, please call (512) 475-5899.

## State Securities Board Transactions Exempt From Registration 065.05.00.007

The State Securities Board has amended Rule 065.05.00.007 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 065.05.00.007 to read as follows:

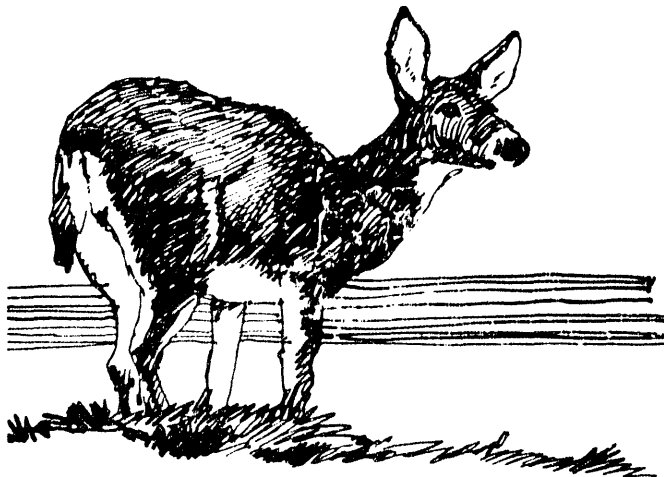
.007. *Parent Subsidiary Transactions.* Securities issued by a parent corporation for outstanding securities of a corporation in connection with a merger of such corporation into a wholly owned or materially owned (80 percent) subsidiary are exempt within the meaning of Section 5.G of the act. The exemption also applies to the issuance of securities by the parent corporation in connection with a consolidation where the resulting new corporation is wholly owned or materially owned (80 percent) by the parent. Similarly, securities issued by a parent corporation for the purchase of assets for a wholly owned or materially owned (80 percent) subsidiary are exempt under Section 5.G.

Issued in Austin, Texas, on July 13, 1976.

Doc. No. 763785 Roy W. Mauer  
Securities Commissioner  
State Securities Board

Effective Date: August 3, 1976

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



## 065.05.00.019

The State Securities Board has amended Rule 065.05.00.019 with one change in the proposed text. Paragraph (4)(c) was altered to clarify that the current and future prospectuses required under the Securities Act of 1933 must be filed with the commissioner.

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 065.05.00.019 to read as follows:

### .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, as amended.

(c) The clearing corporation must be registered as a national clearing agency under the Securities Exchange Act of 1934, as amended, and must file with the commissioner a copy of the prospectus respecting such option currently being delivered pursuant to the requirements of the Securities Act of 1933, as amended, and further must agree to promptly file with the commissioner a copy of any amendments of such prospectus.

(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:

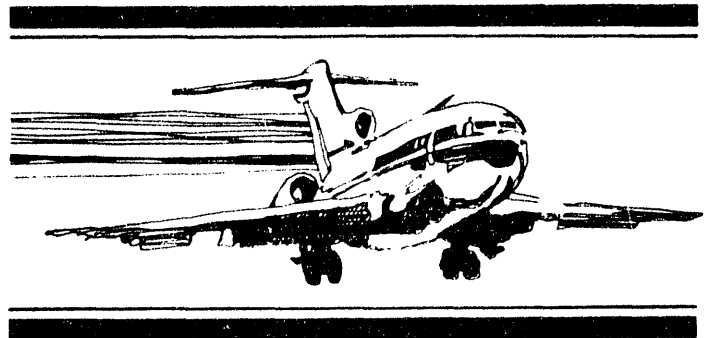
(a) Options Clearing Corporation; Chicago, Illinois.

Issued in Austin, Texas, on July 13, 1976.

Doc. No. 763786      Roy W. Mauer  
 Securities Commissioner  
 State Securities Board

Effective Date: August 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 has amended Rule 065.12.00.001 with one change in the proposed text. In paragraph (1)(e), "Securities and Exchange Act" was changed to "Securities Exchange Act."

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 065.12.00.001 to read as follows:

### .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:

(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 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 July 13, 1976.

Doc. No. 763787 Roy W. Mauer  
Securities Commissioner  
State Securities Board

Effective Date: August 3, 1976

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

## Texas Water Quality Board

### Design Criteria for Sewerage Systems

#### Design Criteria 130.23.01

The Texas Department of Health Resources and the Texas Water Quality Board have adopted revised design criteria for sewerage systems. These design criteria were adopted (1) to clarify state agency requirements for the submission of data used in evaluating plans for facilities for the collection, treatment, and disposal of sewage; (2) to establish the minimum basic design criteria considered necessary to comply with the existing state statutes pertinent to effluent quality; and (3) to require such facilities to be designed in accordance with good public health engineering and water quality management and control practices.

A public hearing was held in order to afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing, which were relevant and material to the proposed adoption of the Design Criteria for Sewerage Systems.

Copies of the document are available for inspection in the offices of the Texas Register Division of the Office of the Secretary of State, Suite 550, Texas Commodore Building, 8th and Brazos Streets, Austin, as well as in the offices of the Texas Water Quality Board, Stephen F. Austin Building, 17th and Congress, Austin.

The proposed Design Criteria for Sewerage Systems, as well as a summary of comments and other evidence received, were presented to the Texas Water Quality Board at its regular meeting on May 25, 1976, at the Sheraton Crest Inn, Austin.

Because of the length of these rules, the *Texas Register* will not publish the complete text. The following is a summary of the effect of the design criteria, and a listing of the numbers and titles of the rules and subsections within the rules.

The design criteria specifies a sequence in which the designing engineer shall submit required planning and design information to the reviewing authority, and describes the various forms in which such information will be presented. Described are the preliminary engineering report, engineering plans (drawings), technical specifications, the final engineering report, and design summary. The criteria set forth technical requirements for the design, construction, and testing of a wide variety of sewage collection, treatment, and disposal systems. Specifically included are guidelines on gravity sewers, sewage lift stations, force mains,

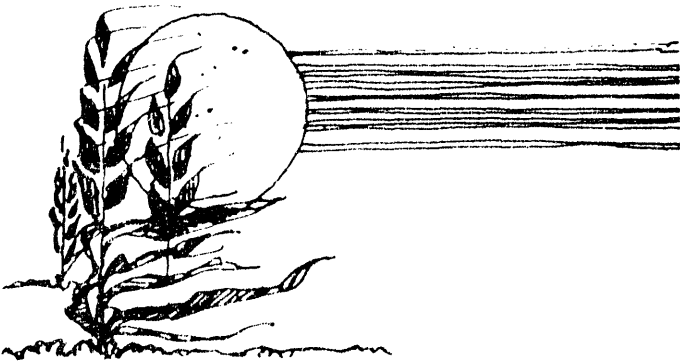
preliminary treatment units, sedimentation facilities, biological and chemical secondary treatment systems, tertiary treatment systems for the additional removal of dissolved organics and suspended solids, processes for the reduction of various wastewater-related nutrients, and disinfection facilities. The criteria also cover systems for sludge treatment and disposal, operation and maintenance design features, plant safety considerations, and provisions for assuring continued operation during emergencies.

Through the Design Criteria for Sewerage Systems, consulting engineers will be provided with information and guidelines helpful in the planning and design of systems capable of consistently producing treated effluents that comply with applicable permit limitations, allow established stream and reservoir quality standards to be maintained, and which will at no time pose a danger to the public health.

These rules are adopted by the Texas Water Quality Board, in conjunction with the Texas Department of Health Resources, under the authority of Articles 4418d and 4477-1, Texas Civil Statutes, and Chapter 21 of the Texas Water Code.

#### .001. General.

- (a) Authority for Requirements
- (b) Reason for Design Criteria
- (c) Reviewing Authority
- (d) Authorization for Examination of Plans
- (e) General Requirements for Submission of Plans
- (f) Consideration of Plans-- Time to be Allowed
- (g) Limits of Approval
- (h) General Information Required
- (i) Engineering Design Report
- (j) Changes in Existing Systems
- (k) Completion of Work
- (l) Changes in Plans and Specifications
- (m) Unauthorized Discharges During Construction



#### .002. Collection System.

- (a) Sewage Collection Systems-- Considerations
- (b) Capacities
- (c) Design Details
- (d) Pressure Sewer Systems

#### .003. Lift Stations.

- (a) Selection of Site
- (b) Design
- (c) Pumps
- (d) Piping
- (e) Emergency Provisions

#### .004. Sewage Treatment.

- (a) General
- (b) Preliminary Treatment Units
- (c) Measuring Devices
- (d) Sedimentation
- (e) Imhoff Tanks
- (f) Trickling Filters
- (g) Activated Sludge Facilities
- (h) Aerated Lagoon
- (i) Stabilization Ponds
- (j) Biological Nitrification
- (k) Phosphorus Removal by Chemical Treatment
- (l) Filtration
- (m) Carbon Absorption
- (n) Nitrogen Removal

#### .005. Sludge Processing and Digestion.

- (a) General
- (b) Aerobic Digesters
- (c) Anaerobic Digesters
- (d) Sludge Drying Beds
- (e) Vacuum Filtration
- (f) Drying and Incineration

#### .006. Disinfection.

- (a) General Policy
- (b) Chlorination Facilities
- (c) Chlorine Contact Chamber
- (d) Chlorination Appurtenances
- (e) Other Means of Disinfection

#### .007. Safety.

- (a) General
- (b) Stairways, Walkways, and Hand Rails
- (c) Electrical
- (d) Unsafe Water
- (e) Plant Protection
- (f) Other Safety Equipment
- (g) Color Coding of Piping
- (h) Portable Ventilators
- (i) Potable Water



**.008. Design and Operation Features.**

- (a) Site Selection
- (b) Laboratory Control
- (c) Office and Toilet Facilities
- (d) Tool Shed and Work Shop
- (e) Landscaping and Beautification

## Appendices

- (A) Efficiency Determinations for Trickling Filters and Activated Sludge
- (B) Land Disposal of Sewage Effluent
- (C) Figure 1-- Sedimentation Following Trickling Filter
- (D) Figure 2-- Trickling Filter Performance: Minimum Recirculation
- (E) Figure 3-- Manhole Spacing Guide

Issued in Austin, Texas, on July 2, 1976.

Doc. No. 763749      William E. Berger  
    Staff Assistant  
    Texas Water Quality Board

Effective Date: August 1, 1976

For further information, please call (512) 475-2218.



## Texas Water Rights Commission

### Water Districts

#### Issuance of Bonds 129.09.30

Under the authority of Section 6.055 and Section 6.074, Texas Water Code, the Texas Water Rights Commission has amended Rule 129.09.30.006 to read as set forth below. The rule as adopted is identical to the form originally proposed by the commission. No protests were received to the rule adoption.

**.006. Thirty Percent of Construction Costs to be Paid by Developer.**

(g) The developer must provide a letter of credit, irrevocable development loan commitment, or other guarantee for each bond application prior to advertisement for sale of the district's bonds, unless the developer is totally exempt from cost participation and street construction in the area to be developed is completed or under contract. This guarantee must provide assurance to the satisfaction of the commission that the developer has the financial capability to provide the required amount of funds for street construction and his share of utility construction. Actual payment of funds for utility construction by the developer to the district shall be within 10 days following the district's receipt of billing; the developer's *pro rata* share is to be computed by the district's engineer based on monthly contract pay estimates. Construction cost overruns or underruns on developer participation items will be shared by the developer at the same percentage utilized in determining his contribution.

Issued in Austin, Texas, on July 12, 1976.

Doc. No. 763774      Robert E. Schneider  
    Executive Director  
    Texas Water Rights  
    Commission

Effective Date: August 3, 1976

For further information, please call (512) 475-2711.

# 2004 OPEN MEETINGS

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 Antiquities Committee Meeting

A meeting of the Texas Antiquities Committee will be held on Wednesday, July 28, 1976, 10 a.m., in the Lieutenant Governor's Committee Room, second floor, State Capitol, Austin. The agenda includes a financial report, cultural resource surveys on the Texas tidelands, and status of publications.

Additional information may be obtained from Truett Latimer, Box 12776, Capitol Station, Austin, Texas 78711, telephone (512) 475-6328.

Filed: July 13, 1976, 8:40 a.m.

Doc. No. 763756

## Texas Air Control Board Meeting

A meeting of the Texas Air Control Board will be held on Friday, July 23, 1976, 9:30 a.m., in the Texas Air Control Board Auditorium, 8520 Shoal Creek Boulevard, Austin. The agenda includes a statement by Neil Caldwell of Angleton; reports by the executive director, including notification by EPA for the State Implementation Plan (SIP) revision on non-attainment areas and a budget hearing report; a status report on the vehicle emissions check by Jim Kamrath; and hearings examiner reports on Vetco 3-C, Inc., Harris County, and Tenneco Chemicals, Inc., Harris County. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Cecil L. Bradford, 8520 Shoal Creek Boulevard, Austin, Texas 78758, telephone (512) 451-5711, extension 261.

Filed: July 15, 1976, 11 a.m.

Doc. No. 763797

## State Banking Board Hearing

A hearing before the Hearing Officer of the State Banking Board will be held on Wednesday, October 6, 1976, 9 a.m., at 2601 North Lamar, Austin, to consider the charter application of the proposed Texas Bank and Trust, to be located in Brownsville.

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

Filed: July 15, 1976, 10:36 a.m.

Doc. No. 763795

## Board of Examiners in the Basic Sciences Meeting

A meeting of the Board of Examiners in the Basic Sciences will be held on Friday and Saturday, July 30-31, 1976, 8 p.m. and 8 a.m. respectively, at Inn of the Hills, Kerrville, to consider waiver and reciprocity applications; agency budget; office personnel; and any other official business to come before the board.



Additional information may be obtained from Betty J. Anderson, 319 Sam Houston Building, Austin, Texas 78701, telephone (512) 475-2683.

Filed: July 15, 1976, 11 a.m.  
Doc. No. 763798

## Coordinating Board, Texas College and University System

### Meeting Rescheduled

A meeting of the Ad Hoc Committee on Academic Freedom, Tenure, and Responsibility of the Coordinating Board, Texas College and University System, was rescheduled for Friday, July 16, 1976, 8 a.m., in Room 523, Sheraton Crest Inn, 111 East 1st Street, Austin. The meeting was held to discuss Coordinating Board Policy Paper One on Academic Freedom, Tenure, and Responsibility. The time and place were changed because a quorum of committee members could not be present at 3:15 p.m. on July 15, 1976.

Additional information may be obtained from Dr. Kenneth H. Ashworth, P.O. Box 12788, Capitol Station, Austin, Texas 78711, telephone (512) 475-4361.

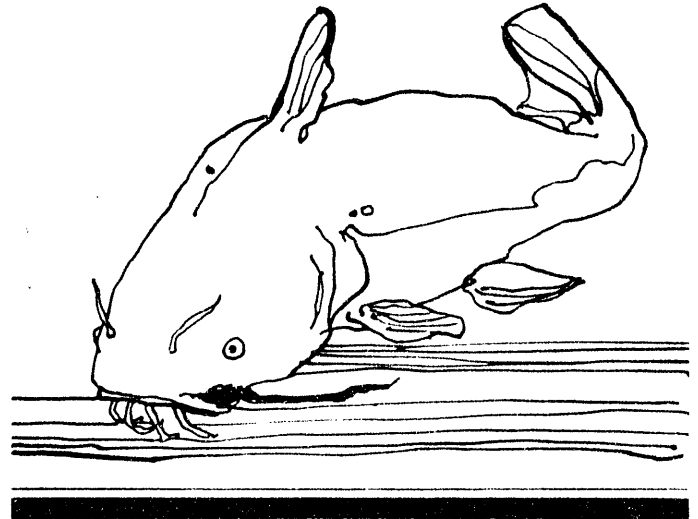
Filed: July 13, 1976, 1:58 p.m.  
Doc. No. 763768

## Credit Union Department Meeting

A meeting of the Credit Union Commission of the Credit Union Department will be held on Wednesday, July 28, 1976, 10 a.m., in Suite 206-E, 1106 Clayton Lane, Austin. The commission will review several proposed regulations and guidelines pertaining to fields of membership, central and community credit unions, supervision and examination fees, purchase or lease of buildings and land, and data processing services.

Additional information may be obtained from Harry L. Elliott, Suite 206-E, 1106 Clayton Lane, Austin, Texas 78723, telephone (512) 475-2295.

Filed: July 13, 1976, 8:09 a.m.  
Doc. No. 763755



## Office of the Governor Emergency Addition to Agenda

An emergency addition was made to the agenda of a meeting of the Governor's Water Task Force, Governor's Special Advisor on Natural Resources, Office of the Governor, held on Wednesday, July 14, 1976, 8:30 a.m., in the Azalea Room, Shamrock Hilton, Main and Wolcomb, Houston. The addition was made to include a report on the City of Houston's future water planning by E. B. Cape, Director of Public Works; a status report on the Texas Water Plan by Herb Grubb, Director of Planning, Texas Water Development Board; Regional Committee workshop sessions; and committee reports. The importance of the subject matter being added to the timely posted agenda and the impossibility of determining the items of discussion at the time of the original posting constitute a matter of urgent public necessity.

Additional information may be obtained from Ben Turner, P.O. Box 13006, Capitol Station, Austin, Texas 78711, telephone (512) 475-7876.

Filed: July 13, 1976, 4:36 p.m.  
Doc. No. 763772

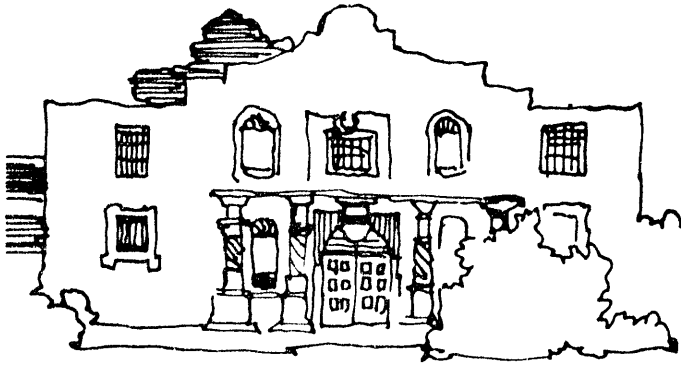
### Meeting

A meeting of the nine-member board of the Governor's Committee on Aging, Office of the Governor, will be held on Monday, July 26, 1976, 10 a.m., in the second floor conference room, Southwest Tower, 211 East 7th, Austin. The board will meet for a final review of the State Plan for Fiscal Year 1977 for the Governor's Committee on Aging.

Additional information may be obtained from Vernon McDaniel, P.O. Box 12786, Austin, Texas 78711, telephone (512) 475-2717.

Filed: July 12, 1976, 2:58 p.m.

Doc. No. 763750



## Texas Health Facilities Commission

### Meeting

A meeting of the Texas Health Facilities Commission will be held on Thursday, July 22, 1976, 10 a.m., in Suite 450, One Highland Center, 314 Highland Mall Boulevard, Austin. The commission will consider applications for certificates of need, declaratory rulings, and exemption certificates. 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: July 14, 1976, 11:44 a.m.

Doc. No. 763780

## State Board of Insurance

### Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Wednesday, July 21, 1976, 2 p.m., in Room 343, 1110 San Jacinto Street, Austin. The hearing will be held to determine

compliance with Article 3.05(b) of the Gibraltar Life Insurance Company of America, Dallas, in the company's purchase of its own corporate stock.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4230.

Filed: July 13, 1976, 9:56 a.m.

Doc. No. 763757

### Meeting

A meeting of the State Board of Insurance will be held on Friday, July 23, 1976, 10 a.m., in Room 408, 1110 San Jacinto Street, Austin. The amendment to the Employers Casualty hospital professional liability filing will be considered.

Additional information may be obtained from William J. Harding, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-2950.

Filed: July 15, 1976, 11:01 a.m.

Doc. No. 763799

### Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Friday, July 30, 1976, 10 a.m., in Room 343, 1110 San Jacinto Street, Austin. The section will consider the application of First Continental Life Group, Inc., for approval of acquisition of the Gibraltar Life Insurance Company of America, Dallas, under Section 5, Article 21.49-1.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4230.

Filed: July 13, 1976, 9:56 a.m.

Doc. No. 763758

### Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Monday, August 2, 1976, 2 p.m., in Room 343, 1110 San Jacinto Street, Austin. The application of Bankers Security Life Insurance Society for authority to issue variable annuity contracts in Texas will be considered.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4230.

Filed: July 13, 1976, 9:56 a.m.

Doc. No. 763759

## Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Wednesday, August 18, 1976, 9 a.m., in Room 408, 1110 San Jacinto Street, Austin. The board will consider adoption of proposed rules for minimum standards and benefits and readability for accident and health policies.

Additional information may be obtained from William J. Harding, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-2950.

Filed: July 13, 1976, 9:57 a.m.

Doc. No. 763760

## Lamar University

### Meeting

A meeting of the Board of Regents of Lamar University will be held on Thursday, July 22, 1976, 11 a.m., in the Board Room, Administration Building, Lamar University Main Campus, Beaumont, to consider awarding contracts for construction projects on campus; to consider acceptance of buildings and properties in Port Arthur; and to consider sale of parking revenue bonds and other routine reports and business.

Additional information may be obtained from John E. Gray, Box 10001, LUS, Beaumont, Texas 77710, telephone (713) 838-7111.

Filed: July 14, 1976, 11:17 a.m.

Doc. No. 763778

## State Board of Morticians

### Emergency Addition to Agenda

An emergency addition was made to the agenda of a meeting of the State Board of Morticians held Wednesday, July 14, 1976, 9 a.m., at 1513 South Interstate 35, Austin. The addition was made to include the appearance of Richard A. Miller in regard to reinstatement of his funeral director's license that he allowed to lapse for non-payment; and Glen Hippel, Jr., Wade P. Ricks, Lindsey P. Henderson III, and Jack Rachel in regard to licenses by reciprocity.

Additional information may be obtained from James W. McCammon, 1513 South Interstate 35, Austin, Texas 78741, telephone (512) 442-6721.

Filed: July 13, 1976, 3:01 p.m.

Doc. No. 763769

## Board of Pardons and Paroles

### Meeting

A meeting of the Board of Pardons and Paroles will be held Monday through Friday, July 26-30, 9 a.m. each day, at 711 Stephen F. Austin Building, Austin. The board will convene 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, 711 Stephen F. Austin Building, Austin, Texas 78701, telephone (512) 475-3363.

Filed: July 13, 1976, 9:57 a.m.

Doc. No. 763761

## Texas Parks and Wildlife Department

### Hearing

A hearing by the Fisheries Division, Environmental Branch, of the Texas Parks and Wildlife Department will be held on Tuesday, August 3, 1976, 2 p.m., in Room 100, John H. Reagan Building, 15th and Congress, Austin. The division will consider the application of L. J. Voss, doing business as Voss Gravel Company, for a permit to remove sand and gravel for commercial purposes from the Brazos River, Fort Bend County.

Additional information may be obtained from C. E. Sharp, John H. Reagan Building, Austin, Texas 78701, telephone (512) 475-4471.

Filed: July 14, 1976, 10:20 a.m.

Doc. No. 763775



## Texas Board of Private Investigators and Private Security Agencies

### Emergency Addition to Agenda

An emergency addition was made to the Texas Board of Private Investigators and Private Security Agencies meeting set for Thursday, July 22, 1976, 9 a.m., in the first floor conference room, 7600 Chevy Chase Drive, Austin. The addition was made to include testimony by Earl Wade concerning an industry request for an attorney general opinion.

Additional information may be obtained from Clema D. Sanders, P.O. Box 13509, Capitol Station, Austin, Texas 78711, telephone (512) 475-3944.

Filed July 14, 1976, 4:47 p.m.  
Doc. No. 763788



## Public Utility Commission of Texas

### Meeting

A meeting of the Public Utility Commission of Texas will be held on Wednesday, August 11, 1976, 9 a.m., in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to consider applications of mobile communications companies concerning the counties of Atascosa, Bandera, Bexar, Blanco, Brown, Callahan, Coke, Coleman, Comal, Comanche, Concho, Eastland, Edwards, Fisher, Frio,

Gillespie, Guadalupe, Irion, Jones, Kendall, Kerr, Kimble, Kinney, Llano, Mason, Maverick, McCulloch, Medina, Menard, Mills, Mitchell, Nolan, Real, Runnels, San Saba, Schleicher, Scurry, Shackelford, Stephens, Sterling, Sutton, Taylor, Tom Green, Uvalde, Wilson, and Zavala. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Roy J. Henderson, Suite 450N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 475-7921.

Filed: July 15, 1976, 11 a.m.  
Doc. No. 763796

## State Department of Public Welfare

### Meeting

A meeting of the Medical Care Advisory Committee of the State Department of Public Welfare will be held on Saturday, July 24, 1976, 9 a.m., in Room 411, John H. Reagan Building, Austin, to review available programs of the Texas Department of Health Resources; review departmental progress with purchased health services contract; and review maximum allowable cost-estimated acquisition cost of vendor drugs and provider fee differentials based on localities.

Additional information may be obtained from John F. Boff, Room 232-A, John H. Winters Building, 200 East Riverside Drive, Austin, Texas 78704, telephone (512) 475-6391.

Filed: July 13, 1976, 3:53 p.m.  
Doc. No. 763770

## Railroad Commission of Texas

### Emergency Meeting

An emergency meeting of the Gas Utilities Division of the Railroad Commission of Texas was held on Tuesday, July 13, 1976, 9 a.m., in the E. O. Thompson Building, 10th and Colorado, Austin. An application by Central Power and Light Company, a request for an emergency exception to the commission's order in Gas Utilities Docket 600, was to be considered. This emergency notice was required to permit a prompt review of the

applicant's request in order to prevent any curtailments of CPL by its gas supplier from hindering CPL's ability to supply electricity.

Additional information may be obtained from John W. Camp, P.O. Drawer 12967, Capitol Station, Austin, Texas 78711, telephone (512) 475-2747.

Filed: July 12, 1976, 4:02 p.m.  
Doc. No. 763753

## Texas Real Estate Research Center

### Meeting

A meeting of the Advisory Committee of the Texas Real Estate Research Center will be held on Monday, July 26, 1976, 9 a.m., in Room 230, Memorial Student Center, Texas A&M University, College Station, to discuss TRERC activities in research, education, and communication.

Additional information may be obtained from Dr. A. B. Wooten, 209 Geosciences Building, TAMU, College Station, Texas 77843, telephone (713) 845-2031.

Filed: July 12, 1976, 2:58 p.m.  
Doc. No. 763752

## Texas State Soil and Water Conservation Board

### Meeting

A meeting of the Texas State Soil and Water Conservation Board will be held on Sunday, July 25, 1976, 7:30 p.m., in Room 357, St. Anthony Hotel, 300 East Travis Street, San Antonio. The agenda includes the annual statewide meeting program, Section 208 activities, district director appointments, and watershed activities.

Additional information may be obtained from Harvey Davis, 1009 First National Building, Temple, Texas 76501, telephone (817) 773-2250.

Filed July 14, 1976, 11:15 a.m.  
Doc. No. 763776



## Texas Water Development Board

### Meeting

A meeting of the Texas Water Development Board will be held on Tuesday, July 20, 1976, 9 a.m., in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin.

The agenda includes consideration of applications for financial assistance; renewals for interagency contract work for Fiscal Year 1977; consideration of renewal of contracts for expenses incurred by the Weather Modification Advisory Committee; and the hearing examiner's report on applications. The opening of bids for the sale of \$40,000,000 in Texas water development bonds will begin at 11 a.m. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from James M. Rose, P.O. Box 13087, Capitol Station, Austin, Texas 78711, telephone (512) 475-3187.

Filed: July 12, 1976, 4:23 p.m.  
Doc. No. 763754

## Texas Water Rights Commission

### Meeting

A meeting of the Texas Water Rights Commission will be held on Monday, July 26, 1976, 10 a.m., in the Stephen F. Austin Building, 1700 North Congress, Austin, to consider water district matters; setting of hearing dates on applications for permits; consideration of applications for contractual permits; consideration of examiner's proposals for decision on applications for contractual permits; and consideration of motion for rehearing. The complete agenda is posted in the East Wing of the State Capitol.

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

Filed July 15, 1976, 10:16 a.m.  
Doc No 763790

### Hearing

A hearing by the Texas Water Rights Commission will be held on Monday, July 26, 1976, 10 a.m., in the Stephen F. Austin Building, 1700 North Congress, Austin. A petition for organization of Montgomery County Municipal Utility District No. 36 will be considered. The complete agenda is posted in the East Wing of the State Capitol.

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

Filed July 13, 1976, 4:28 p.m.  
Doc. No 763771

### Meeting

A meeting of the Texas Water Rights Commission will be held on Wednesday, September 1, 1976, 10 a.m., in the Stephen F. Austin Building, 1700 North Congress, Austin, to consider Application 3629 by Bonna M. Taylor and Application 3628 by James E. Teague. The complete agenda is posted in the East Wing of the State Capitol.

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

Filed: July 15, 1976, 10:16 a.m.  
Doc. No 763791

### Meeting

A meeting of the Texas Water Rights Commission will be held on Friday, September 10, 1976, 10 a.m., in the Stephen F. Austin Building, 1700 North Congress, Austin, to consider Application 3627 by the City of Ennis, and Application 3630 by the Clarksville Country Club. The complete agenda is posted in the East Wing of the State Capitol.

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

Filed: July 15, 1976, 10:16 a.m.  
Doc. No. 763792

### Meeting

A meeting of the Texas Water Rights Commission will be held on Thursday, September 16, 1976, 10 a.m., in the Stephen F. Austin Building, 1700 North Congress, Austin, to consider Application 1330-B by C. E. Zwahr, and the petition for the organization (creation) of the Encino Park Municipal Utility District No. 1. The complete agenda is posted in the East Wing of the State Capitol.

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

Filed: July 15, 1976, 10:17 a.m.  
Doc. No. 763793 and 763794







## Quasi-State Agencies

### Meetings Filed July 12, 1976

*The Education Service Center Region I*, Board of Directors, will meet at 1900 West Schunior, Edinburg, on July 20, 1976, at 6 p.m. Further information may be obtained from Dr. Charles W. Benson, 1900 West Schunior, Edinburg, Texas, telephone (512) 383-5611.

*The Permian Basin Health Systems Agency*, Bylaws Committee, met at the Air Terminal Office Building, Midland, on July 12, 1976, at 7:30 p.m. Further information may be obtained from Harley Reeves, P.O. Box 6391, Midland, Texas 79701, telephone (915) 563-1061.

Doc. No. 763751

### Meetings Filed July 13, 1976

*The Texas Municipal Power Agency*, Board of Directors, met at the Airport Marina Hotel, Dallas/Fort Worth Airport, Dallas, on July 15, 1976, at 10 a.m. Further information may be obtained from Paul R. Cunningham, 7111 Bosque Boulevard, Waco, Texas 76710, telephone (817) 776-4100.

*The Nueces River Authority*, Board of Directors, met at the Holiday Inn, 1102 South Shoreline Drive, Corpus Christi, on July 15, 1976, at 11 a.m. Further information may be obtained from John W. White, P.O. Box 349, Uvalde, Texas 78801, telephone (512) 278-6810.

*The North Texas Municipal Water District*, Board of Directors, will meet at the North Texas Municipal Water District Central Plant, Wylie, on July 19, 1976, at 4 p.m. Further information may be obtained from Carl W. Riehn, P.O. Drawer C, Wylie, Texas 75098.

*The Permian Basin Regional Planning Commission*, Human Resources Advisory Committee, will meet at the Air Terminal Office Building, Midland, on July 21, 1976, at 1:30 p.m. Further information may be obtained from Ernie Crawford, P.O. Box 6391, Midland, Texas 79701, telephone (915) 563-1061.

*The Capital Area Planning Council*, Executive Committee, will meet in Suite 400, 611 South Congress, Austin, on July 20, 1976, at 2 p.m. Further information may be obtained from Richard G. Bean, Suite 400, 611 South Congress, Austin, Texas 78704, telephone (512) 474-2376.

Doc. No. 763767

### Meetings Filed July 14, 1976

*The Brazos River Authority*, Board of Directors, met at 4400 Cobbs Drive, Waco, on July 19, 1976, at 9 a.m. Further information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76710, telephone (817) 776-1441.

*The Central Counties Center for MH/MR*, Board of Trustees, will meet at the Captain's Table, Lake Belton, on July 22, 1976, at 7 p.m. Further information may be obtained from Dr. Steven B. Schnee, P.O. Box 1025, Temple, Texas 76501, telephone (817) 778-4841.

*The Deep East Texas Regional MH/MR Services*, Board of Trustees, will meet at the Texas Power and Light Company, 513 North Street, Nacogdoches, on July 27, 1976, at 5 p.m. Further information may be obtained from Wayne Lawrence, 303 Angelina Building, Lufkin, 75901, telephone (713) 634-2241.

*The Texas Municipal Power Agency*, Board of Directors, met at the Airport Marina, Dallas/Fort Worth Airport, Dallas, on July 15, 1976, at 10 a.m. Further information may be obtained from Paul R. Cunningham, 7111 Bosque Boulevard, Waco, Texas 76710, telephone (817) 776-4100.

*The Lower Neches Valley Authority*, Board of Directors, will meet in the conference room, LNVA Office Building, 7850 Eastex Freeway, Beaumont, on July 20, 1976, at 10:30 a.m. Further information may be obtained from J. D. Nixon, P.O. Box 3007, Beaumont, Texas 77704, telephone (713) 892-4011.

Doc. No. 763777

**Meetings Filed July 15, 1976**

*The Comprehensive Employment and Training Act Consortium, Region XI, will meet at 216 North 5th Street, Waco, on July 22, 1976, at 10 a.m. Further information may be obtained from Tony Byars, 216 North 5th Street, Waco, Texas 76701, telephone (817) 756-7171, extension 255.*

*The Coastal Bend Council of Governments will meet in the Central Jury Room, Nueces County Courthouse, Corpus Christi, on July 25, 1976, at 2 p.m. Further information may be obtained from Robert Weaver, P.O. Box 6609, Corpus Christi, Texas 78411, telephone (512) 854-3081.*

*The Deep East Texas Council of Governments, Executive Committee, will meet in the Rusk Room, Sheraton Crest Hotel, Nacogdoches, on July 22, 1976, at 3 p.m. Further information may be obtained from Billy D. Langford, P.O. Drawer 1170, Jasper, Texas 75971, telephone (713) 384-5704.*

*The Nueces River Authority, Board of Directors, met at the Holiday Inn, 1102 South Shoreline, Corpus Christi, on July 15, 1976, at 11 a.m. Further information may be obtained from John W. White, P.O. Box 349, Uvalde, Texas 78801, telephone (512) 278-6810.*

Doc. No. 763789

## Texas State Board of Control

The Texas State Board of Control is the purchasing agent for services and equipment for use by the departments of the State of Texas.

For information on how to qualify for the board's bid list or to receive notices of forthcoming invitations, call the bid list clerk, Fran Robbins, at (512) 475-3540. For information related to specific bidding activity of the State Board of Control, contact the following purchasers:

- Calvin Holman, Senior Buyer ..... (512) 475-2282
- Bill Corbell, Purchaser U  
(fuel, vehicles, tires) ..... (512) 475-4579
- Pat Frysinger, Purchaser B  
(computers) ..... (512) 475-6932
- Tommy Gardner, Purchaser R  
(hospital supplies, drugs) ..... (512) 475-4600
- W.R. "Mac" McClellan, Purchaser F  
(paint, metals, refrigeration) ..... (512) 475-2076
- Jim McIlvain, Purchaser Y  
(dry goods, electronics) ..... (512) 475-2178
- Robert Schneider, Purchaser J  
(office machines) ..... (512) 475-6296
- Betty Walden, Purchaser L  
(surplus property sales) ..... (512) 475-5433
- Eugene S. Baker, Senior Buyer ..... (512) 475-3265
- Tommy Crowe, Purchaser G  
(laundry supplies, chemicals) ..... (512) 475-4640
- George Faith, Purchaser K  
(laboratory supplies, equipment) .. (512) 475-4595
- Charles A. Heatly, Purchaser M  
(library and school supplies) ..... (512) 475-3398
- Tom Rolater, Purchaser Q  
(hardware, poisons) ..... (512) 475-3805
- Al Scott, Purchaser S  
(major laboratory equipment) ..... (512) 475-2698
- Milton Turnipseed, Purchaser H  
(plumbing and electrical) ..... (512) 475-4708
- Pat Jaksha, Senior Buyer ..... (512) 475-2281
- Bill Hoover, Purchaser T  
(bookbinding, forms, paper, etc.) .. (512) 475-6934
- Ernest Holubec, Purchaser A  
(furniture) ..... (512) 475-2695
- Lex Nelson, Purchaser P  
(stationery, printing) ..... (512) 475-2534
- Johnnie Pechal, Purchaser X  
(feed, food, fertilizer) ..... (512) 475-2797
- Bryan Snyder, Purchaser W  
(office supplies) ..... (512) 475-3677
- Tom Taylor, Purchaser D  
(building materials) ..... (512) 475-4212

## Texas Health Facilities Commission

### Notice of Applications

Notice is given by the Texas Health Facilities Commission of applications (including a general project description) for declaratory rulings, exemption certificates, or administrative orders received during the period of July 6-12, 1976, and others not previously posted.

Should any person wish to contest the application for a declaratory ruling, exemption certificate, or administrative order, that person must file a notice of intent to contest the application with the chairman of the commission within 12 days after the enclosed listing is published. The first day for calculating this 12-day period is the first calendar day following the dating of the publishing. The 12th day will expire at 5 p.m. on the 12th consecutive day after said publishing if the 12th day is a working day. If the 12th day is a Saturday, Sunday, or state holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, or state holiday. When notice of intent to contest is mailed to the chairman of the commission, P.O. Box 15023, Austin, Texas 78761, it must be postmarked no later than the day prior to the last day allowed for filing notice of intent to contest.

The contents and form of a notice of intent to contest an application for an exemption certificate, declaratory ruling, or administrative order must meet the minimum criteria set out in Rule 315.07.01.001(a)(4). Failure of a contesting party to supply the minimum necessary information in the correct form by the 12th day will result in a defective notice of intent to contest, and such application will be considered uncontested.

The fact that an application is uncontested will not mean that it will be approved. Regardless of whether or not an application is formally contested, it will be approved only if the commission determines that it qualifies under the criteria of Sections 3.02, 3.03, or 6.02 of Article 4418(h), Vernon's Annotated Texas Statutes, and Rules 315.07.01.001, 315.07.03.001, and 315.07.06.001.

In the following notice, the applicant is listed first, the file number second, and the relief sought and project description third. EC indicates exemption certificate; DR indicates declaratory ruling; AO indicates administrative order.

- Buckner Trew-Ryburn Complex for Aging, Dallas  
AN76-0706-002  
EC-- increase in level care of four ICF-III beds to skilled beds

Holmes Community Hospital, Gonzales  
AH75-0714-005T

AO-- transfer of exemption certificate to replace an existing 50-bed general hospital facility to Gonzales County Hospital

Bur-Mont Nursing Center, Brownfield  
AN76-0709-007

EC-- reclassification of 40 ICF-III beds to ICMR-VI

Visiting Nurse Association, Killeen  
AS76-0616-013

EC-- establishment of branch office in Killeen for providing skilled nursing care in patient's home

Methodist Hospital, Houston  
AH76-0712-008

EC-- repair or replacement of facilities and equipment destroyed or damaged by flood

Wichita General Hospital, Wichita Falls  
AH76-0705-018

EC/DR-- purchase of ultrasound diagnostic equipment

Deep East Texas Regional MH/MR Services for Nacogdoches Outreach Clinic, Nacogdoches  
AS76-0628-008

EC-- assumption of administrative operation of the Nacogdoches Outreach Clinic from Rusk

Medical Plaza Hospital, Fort Worth  
AH75-0922-022

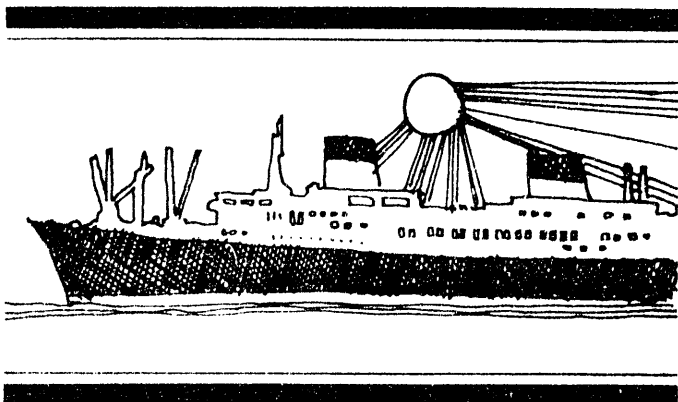
DR-- request for determination of whether previously issued declaratory ruling includes acquisition of CAT whole body scanner

Issued in Austin, Texas on July 14, 1976.

Doc. No. 763779      Michael R. Sharp  
                                 General Counsel  
                                 Texas Health Facilities  
                                 Commission

Filed: July 14, 1976, 11:44 a.m.

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



## State Department of Public Welfare

### Notice of Public Hearing

The Social Services Branch of the State Department of Public Welfare will conduct a public hearing on the proposed comprehensive Annual Services Program Plan for Texas on Tuesday, July 20, 1976, 9 a.m., in Room 411, John H. Reagan Building, 15th and Congress, Austin.

The department has proposed to adopt the 1976-77 plan by reference. The preamble, an extensive outline of the provisions contained in the plan, was published in the July 2, 1976, issue of the *Texas Register* (Volume 1, Number 51).

Additional information may be obtained from Susan Johnson, Administrator, Systems and Procedures Bureau, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, telephone (512) 475-4601.

Filed: July 14, 1976, 12:06 p.m.

Doc. No. 763784

## Texas Congressional Delegation

Members representing Texas in the United States House of Representatives and Senate appear in the listing below. The names are accompanied by the hometowns and the mailing addresses of the Washington, D.C., offices of each.

### U.S. Representatives

Charles Wilson  
Lufkin  
1574 Longworth House Office Building  
Washington, D.C. 20515

Ray Roberts  
McKinney  
2455 Rayburn House Office Building  
Washington, D.C. 20515

Olin E. Teague  
Bryan  
2311 Rayburn House Office Building  
Washington, D.C. 20515

Bob Eckhardt  
Houston  
1741 Longworth House Office Building  
Washington, D.C. 20515

**Jack Brooks**  
 Beaumont  
 2239 Rayburn House Office Building  
 Washington, D.C. 20515

**J. J. "Jake" Pickle**  
 Austin  
 231 Cannon House Office Building  
 Washington, D.C. 20515

**W. R. "Bob" Poage**  
 Waco  
 2107 Longworth House Office Building  
 Washington, D.C. 20515

**James C. "Jim" Wright**  
 Fort Worth  
 2459 Rayburn House Office Building  
 Washington, D.C. 20515

**John Young**  
 Corpus Christi  
 2204 Rayburn House Office Building  
 Washington, D.C. 20515

**E. "Kika" de la Garza**  
 Mission  
 1434 Longworth House Office Building  
 Washington, D.C. 20515

**Richard C. "Dick" White**  
 El Paso  
 2423 Rayburn House Office Building  
 Washington, D.C. 20515

**Omar Burleson**  
 Anson  
 2369 Rayburn House Office Building  
 Washington, D.C. 20515

**Barbara Jordan**  
 Houston  
 1534 Longworth House Office Building  
 Washington, D.C. 20515

**George H. Mahon**  
 Lubbock  
 2314 Rayburn House Office Building  
 Washington, D.C. 20515

**Henry B. Gonzalez**  
 San Antonio  
 2312 Rayburn House Office Building  
 Washington, D.C. 20515

**Robert Krueger**  
 New Braunfels  
 512 Cannon House Office Building  
 Washington, D.C. 20515

**Abraham "Chick" Kazen**  
 Laredo  
 1514 Longworth House Office Building  
 Washington, D.C. 20515

**Dale Milford**  
 Grand Prairie  
 430 Cannon House Office Building  
 Washington, D.C. 20515

**Jack Hightower**  
 Vernon  
 1315 Longworth House Office Building  
 Washington, D.C. 20515

**Alan Steelman**  
 Dallas  
 437 Cannon House Office Building  
 Washington, D.C. 20515

**James Collins**  
 Dallas  
 2419 Rayburn House Office Building  
 Washington, D.C. 20515

**William "Bill" Archer**  
 Houston  
 1024 Longworth House Office Building  
 Washington, D.C. 20515

#### U.S. Senators

**John Tower**  
 Wichita Falls  
 142 Russell Senate Office Building  
 Washington, D.C. 20510

**Lloyd M. Bentsen**  
 Brazoria County  
 240 Russell Senate Office Building  
 Washington, D.C. 20510



## 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.

**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**  
Lyndon B. Johnson Office Building  
Austin, Texas 78711  
(512) 475-6001

**Jesse James, State Treasurer**  
Lyndon B. Johnson Office Building  
Austin, Texas 78711  
(512) 475-2591

**Bob Armstrong, Land Commissioner**  
General Land Office  
Stephen F. Austin Office 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

## 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. Omon, 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