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TEXAS DOCUMENTS

# TEXAS REGISTER

## In This Issue...

Emergency continuing education rules adopted by the State Department of Public Welfare

Park entrance and park user fees rules proposed by the Texas Parks and Wildlife Department

Food stamps and hearing aid program rules proposed by the State Department of Public Welfare

Minimum maintenance standards for coal train railroad track proposed by the Railroad Commission of Texas



Office of the Secretary of State

# NOTES ON THE ISSUE

In an effort to prevent train derailments which could jeopardize or delay the transportation of coal, the Railroad Commission of Texas has proposed a new rule on maintenance of railroad tracks over which unit trains of coal are transported. More than 1,000 derailments occurred in 1974 and 1975. The proposal prescribes the maintenance or upgrading by railroad corporations of all main line track over which unit trains of coal are transported. Published with the rule is a chart of estimates on coal shipments in Texas by the years 1980 and 1990.

Fees for individuals and groups using the facilities of state parks are outlined in new rules proposed by the Texas Parks and Wildlife Department. The proposals are designed to replace existing rules now being repealed.

New guidelines on food stamps are among several proposed and adopted rules of the State Department of Public Welfare which appear in this issue. The proposed food stamp rules concern providing information on financial management as a requirement for eligibility in the program.

The Board of Pardons and Paroles has adopted procedures for contractual agreements with halfway houses. The rules establish the organization of a review committee to give recommendations for or against certification of halfway houses before they enter into contracts with the board.

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

*Artwork: Gary Thornton*

## TEXAS REGISTER

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## Open Records Decisions

### Summary of Open Records

#### Decision 138

Request from N. Alex Bickley, City Attorney, Dallas, concerning whether city inspection reports on nursing homes are public under the Open Records Act.

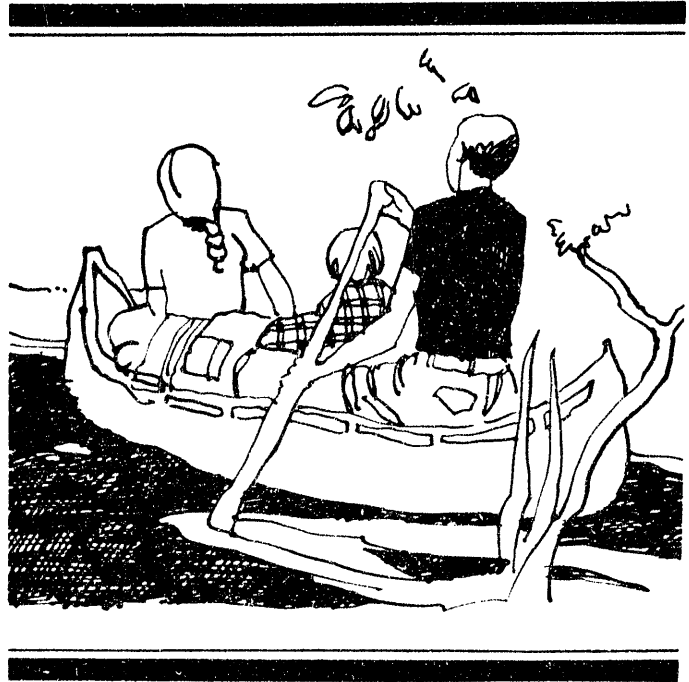
**Summary of Decision:** A city inspection report on nursing homes is public under the Open Records Act unless prepared solely in connection with state licensing for and on behalf of the State Department of Health Resources on their forms and according to their standards.

Issued in Austin, Texas, on August 24, 1976.

Doc. No. 784512    C. Robert Heath  
Opinion Committee Chairman  
Attorney General's Office

Filed: August 25, 1976, 10:04 a.m.

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



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

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

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

## State Board of Insurance

### Powers and Duties of the Board

#### Examinations 059.01.15

The State Board of Insurance is renewing the effectiveness of Rule 059.01.15.221, Salvage and Subrogation. The rule was published as an emergency rule in the June 1, 1976, issue of the *Texas Register* (Volume 1, Number 43, page 1454).

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

Doc. No. 764491 Pat Wagner  
Deputy Chief Clerk  
State Board of Insurance

Effective Date: September 17, 1976  
Expiration Date: November 15, 1976

For further information, please call (512) 475-3397.

## State Department of Public Welfare

### Nursing Facility Administration

#### Support Documents 326.33.99

The State Department of Public Welfare has adopted Emergency Rule 326.33.99.200, which amends nursing facility vendor rates.

Federal regulations mandate cost-related reimbursements to providers of Title XIX Medicaid programs. The rate changes are necessary to meet inflationary increases in nursing facility care. Therefore, the State Board of Public Welfare has approved the increased vendor rates effective September 1, 1976, to ensure cost-related reimbursements to nursing facilities.

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

.200. *Rates for Nursing Facilities.* The State Board of Public Welfare approved the following rates effective September 1, 1976 [1975]:

Intermediate Care II Facility: maximum monthly rate-- \$438; maximum daily rate-- \$14.60.

Intermediate Care III Facility: maximum monthly rate-- \$566.70 [\$537.90]; maximum daily rate-- \$18.89 [\$17.93].

Skilled Nursing Facility: maximum monthly rate-- \$701.10 [\$615]; maximum daily rate-- \$23.37 [\$20.50].

Issued in Austin, Texas, on August 24, 1976.

Doc. No. 764496 Raymond W. Vowell  
Commissioner  
State Department of Public Welfare

Effective Date: September 1, 1976  
Expiration Date: December 29, 1976

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

## Pharmacy Services

### Reimbursement 326.40.08

The State Department of Public Welfare provides pharmaceutical services for Title XIX Medicaid recipients under the Texas Vendor Drug Program. To ensure continued federal funding for the Texas Vendor Drug Program, the department adopts these emergency rules to implement federally mandated Maximum Allowable Cost (MAC)/Estimated Acquisition Cost (EAC) regulations as required on August 26, 1976.

The MAC portion of this program will not begin at this time since drugs with a Maximum Allowable Cost (MAC) have not been announced by the Department of Health, Education, and Welfare. A listing of these drugs and MAC established for each will be distributed to all providers when received from HEW.

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

**.001. [Prescription] Legend and Non-Legend Medication.** For all medication, legend and non-legend, covered by the Vendor Drug Program and appearing in the Texas Drug Code Index and supplements: [For prescription legend medication except insulin, non-legend drugs, and birth control tablets:]

(a) Reimbursement to the pharmaceutical provider [pharmacies] will be based upon acquisition cost, verifiable by invoice audit, plus the department's currently established dispensing fee [plus a variable dispensing fee up to a maximum of \$2.36] per prescription, or the usual and customary [total] price charged non-welfare customers, whichever is lower.

(b) Acquisition cost is defined as wholesale estimated acquisition cost (WEAC) or direct estimated acquisition cost (DEAC), as shown in the current Red Book or supplement, for the drug dispensed in the pharmacist's usual purchasing quantity, or maximum allowable cost (MAC) as published by the Department of Health, Education, and Welfare for selected multi-source products. Drugs not listed in the Red Book but listed in the Texas Drug Code Index are to be claimed at invoice cost. [Acquisition cost is defined as the average wholesale price listed in the latest edition of the Red Book and supplements for the drug dispensed in the pharmacist's usual purchasing quantity.] The Texas Drug Code Index [used] will be used as the reference for allowable package sizes of purchased drugs. [for the package size in which the drug was purchased. In the absence of a Red Book AWP listing of a covered drug, the customary wholesale markup will be computed, and this price will be used as the acquisition cost based on the package size used.] No acquisition cost will be paid for samples dispensed.

(c) Non-legend drugs will be reimbursed on the basis of the usual charges to the non-welfare customers or acquisition cost plus 50 percent of cost, whichever is lower. No dispensing fee will be added to these items nor may the 50 percent of cost exceed the provider's assigned variable fee.

(d) The department's variable dispensing fee is established for each pharmaceutical provider based upon cost accounting principles and service expense evaluation studies relating to the total cost incurred during the preparation and dispensing of prescriptions. Therefore, the amount paid by the department for dispensing costs may vary dependent upon the quality and quantity of services provided recipients. Those providers electing to provide a full range of pharmaceutical services will be eligible for reimbursement up to the maximum allowable rate.

The maximum allowable rate would include expenses associated with:

- (1) 24-hour emergency services,
- (2) patient profiles,
- (3) delivery services,
- (4) annual participation of staff pharmacists in continuing education, and
- (5) maintaining a comprehensive and current pharmaceutical reference library.

(e) [(b)] Reimbursement to licensed physicians who dispense their own drugs and to [non-tax-supported] hospitals with out-patient pharmacies will be based on actual [direct or wholesale] invoice cost, plus a dispensing fee as assigned by the department or usual and customary charge to non-welfare customers, [whichever is lower, plus a maximum dispensing fee of \$1.17 per prescription or usual and customary total price,] whichever is lower.

**.005. Hospitals, Nursing Homes, and Governmental Institutions.**

(a) Rule 326.40.08.004 does [Rules 326.40.08.001-.004 do] not apply to payments for non-legend drugs (OTC) in hospitals, nursing facilities [homes], and other institutions where those drugs are included in the reimbursement formula and vendor payment to the institution.

(b) If payment is made to government institutions, including tax-supported hospitals, etc., they will be reimbursed on the basis of actual invoice cost (verifiable by audit) plus an assigned fee for medications dispensed to eligible recipients. This will be by agreement between the institution and the Texas Department of Public Welfare.

**.006. Brand Name Drugs.**

(a) Physicians specifying a brand name drug instead of a drug with a maximum allowable cost are to write, in their own hand, "Brand Necessary" on the face of the prescription. This enables payment at the brand name drug estimated acquisition cost. To indicate this certification (override) on the Pharmacy Claim, enter "666" in the first three spaces of the Physician's ID field.

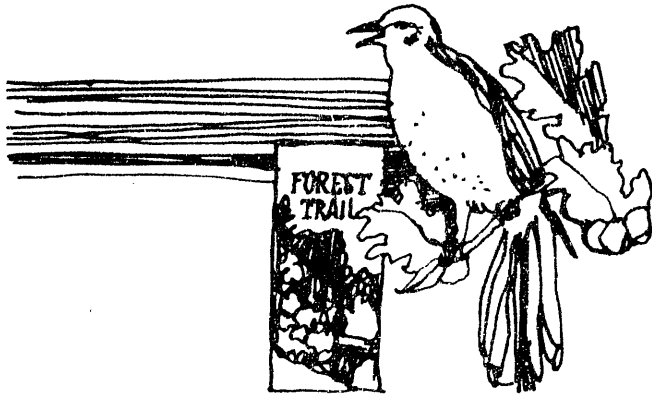
Issued in Austin, Texas, on August 24, 1976.

Doc. No. 764500 Raymond W. Vowell  
Commissioner  
State Department of Public  
Welfare

Effective Date: August 26, 1976

Expiration Date: December 23, 1976

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



## Hearing Aid Program

### Support Documents 326.42.99

The State Department of Public Welfare has adopted emergency amendments to Rules 326.42.99.200-205 which give the allowable fees for the Hearing Aid Program. The rate changes are necessary to meet inflationary increases in the costs of hardware and services provided in the Hearing Aid Program. The State Board of Public Welfare has approved the rate increases effective September 1, 1976.

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

.200. *Fee for Hearing Aid Evaluation.* The State Board of Public Welfare has approved a **\$48** [\$42.80] fee allowable for a hearing aid evaluation.

.201. *Fee for Ear Mold.* The State Board of Public Welfare has approved an **\$18** [a \$16.50] fee allowable for an ear mold.

.202. *Fee for Hearing Aid Instrument.* The State Board of Public Welfare has approved a **\$181.50** [\$165] maximum fee allowable for a hearing aid instrument. Instruments with a wholesale invoice cost of more than **\$181.50** [\$165] require an agreement signed by the recipient to pay the additional cost. Wholesale cost is defined as the manufacturer's quoted single unit wholesale price.

.203. *Fee for Fitting and Dispensing.* The State Board of Public Welfare has approved a **\$53** [\$48.15] fee allowable for fitting and dispensing a hearing aid, to include counseling in the care and use of the instrument and the post-fitting check for minor adjustments.

.204. *Fees for Re-Visits.* The State Board of Public Welfare has approved an **\$11** [a \$10.70] fee allowable for a first re-visit and a **\$23.50** [~~\$21.40~~] fee allowable for required sound field testing on a second re-visit.

.205. *Fees for Repairs.* The State Board of Public Welfare has approved allowable fees for repairs to hearing aids.

(a) The handling fee allowable is **\$23.55** [\$21.40].

(b) The maximum fee allowable for repair cost is **\$29.40** [\$26.75]. If the actual cost of repairs exceeds **\$29.40** [\$26.75], the recipient must pay the balance.

(c) The maximum fee allowable for repair cost plus handling is **\$52.95** [~~\$48.15~~].

Issued in Austin, Texas, on August 24, 1976.

Doc. No. 764505

Raymond W. Vowell  
Commissioner  
State Department of Public  
Welfare

Effective Date: September 1, 1976

Expiration Date: December 29, 1976

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

## Continuing Education

### Policy and Procedures 326.77.01

The Department of Public Welfare adopts the following emergency rules to become effective immediately upon filing with the secretary of state. The rules contain the department's policies and procedures for providing financial assistance to students under Title XX of the Social Security Act. Rule 326.77.01.023 describes a procedure which makes a school liable for fiscal penalties imposed by the Department of Health, Education, and Welfare (HEW) as a result of the department's inability to hire or place 90 percent of the students receiving this type of assistance.

Emergency adoption is necessary so that the schools with whom the department has graduate and undergraduate contracts may provide financial assistance to eligible students for the fall term of the coming academic year. Inability of the institutions to provide this type of assistance would impose hardships on minority students and would adversely affect many other students who must rely on this type of aid. Recent amendments to federal regulations create the need for these rules.

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

## .020. Student Stipends.

(a) Direct financial aid to students in an approved program of study is a matchable training expenditure under Section 228.83(a) of Title XX.

(b) The Department of Public Welfare (DPW) has the responsibility to select the recipients of stipends from among the applicants of each school receiving such grants.

(c) From the applicants for stipends selected by the department, the school may accept or reject applicants according to its internal policies and processes.

(d) The school's internal policies and processes of selection and admission must be in written form and be made available to interested applicants and the department. Such policies and processes must be consistent with affirmative action principles of equal opportunity.

(e) The budget for stipends in which the department participates must be part of the proposal submitted to the department, and it must clearly outline the level and duration of all stipends.

(f) Student stipends granted from Title XX funds may normally be granted for a maximum of two academic years for any student and are to be granted only to upper division (junior and senior) undergraduate students and graduate students. Exceptions may be granted only to fulfill special manpower needs of the department.

(g) The preparation, distribution, and administration of stipend checks to students shall be the responsibility of the school.

(h) Student recipients of stipends shall have a legally binding commitment to seek employment with the department (or other Title XX eligible agency) for a period of time at least equal to the period for which financial assistance was provided.

(i) The maximum amount of student stipend shall be \$200 per month. The amount paid for partial months at the beginning and end of school terms shall be prorated on the basis of a 30-day month.

(j) The department may draw up such other policies as necessary on a continuing basis to respond to changing fiscal and administrative demands.

(k) The school through which the stipend is awarded must make provisions for following up the student to determine the student's post-graduate employment experience. A report on the employment status of each stipend student will be submitted in writing by the school to the department nine months following the individual's graduation date.

(l) The department does not guarantee continuance of stipends from year to year and may withdraw from participation when dictated by policy restrictions or lack of availability of funds from the Department of Health, Education, and Welfare.

## .021. Student Selection Criteria and Procedures.

(a) Student applicants for support stipends funded through the department by Title XX must meet the following criteria in order to be selected for consideration:

(1) The student must not be in any category of scholastic discipline for poor academic performance at the time of application.

(2) Placement of the student in such an academic disciplinary category by appropriate school authorities and processes constitutes cause for withdrawal of support.

(3) The student must be academically prepared and committed to pursue a course of study directed toward work in a Title XX eligible agency.

(4) Preference will be given to students whose past course work can be described as consistent with (3) above.

(5) The student must be willing, if selected by the department and accepted by the school, to sign a legally binding agreement to work for the department (or other Title XX eligible agency) for a period of time at least equal to the period for which financial assistance was provided.

(6) Student financial need shall be considered as a factor in selection of students to receive stipends. Documentation of financial need shall be maintained in appropriate school records. Preference shall be given to those applicants with limited financial resources.

(7) Affirmative action principles shall be utilized in selection of students to receive stipends.

(b) The procedure for awarding student stipends should include the following steps:

(1) The availability of Title XX student support stipends should be announced by the school and the process for receiving applications established.

(2) From the applications received, eligible students will be selected by State Department of Public Welfare officials by screening with the student selection criteria given in (a) of this rule.

(3) This selection process may be conducted on site at the school or at the Department of Public Welfare offices as designated by department officials.

(4) From the eligible students so selected the school may accept and award Title XX support stipends in a manner consistent with its internal policies and practices related to student support.

(5) Documentation of the selection process should be maintained by the school for audit purposes.

(6) Three copies of the Agreement to Seek Employment shall be signed: one for school records; one to be forwarded to the Coordinator, University Programs and Contracts, Department of Public Welfare; and one to be retained by the student.

## .022. Agreement to Seek Employment.

(a) A student recipient of a stipend must agree to



seek employment with the State Department of Public Welfare (or such other Title XX eligible agency as the department may identify) upon graduation from the program for which he or she received financial support.

(b) The student must agree that if so employed he or she will continue in employment for a period of time at least equal to the period of time for which financial support was received.

(c) The student must apply for such employment within six months after graduation and must inform the school immediately upon securing employment of any type.

(d) If the student fails to seek and/or accept employment with the State Department of Public Welfare, he or she will be required to repay the full amount of money received as financial support within 18 months of graduation.

(e) If the student voluntarily discontinues employment with the department before fulfilling the terms of his or her obligation, he or she will be required to repay the appropriate *pro rata* share of the financial assistance received.

(f) The agreement is not a guarantee of employment. The student is subject to the rules and selection requirements of the Merit System Council of the State of Texas and the availability of positions for which he or she is qualified.

#### .023. FFP Adjustment Procedure.

(a) Section 228.83(b) of Title XX requires that a downward adjustment be made in Federal Financial Participation (FFP) for financial assistance to students preparing for employment if less than 90 percent of those students fail to report or fail to secure employment in accordance with applicable regulations.

(b) The following procedure is established to ensure that an equitable adjustment will be made in the FFP of only those schools in which 10 percent or more of the students fail to report or be hired.

(1) The "average cost incurred per student" is computed by dividing the total actual costs for all student support by the number of students required to report to work.

(2) The difference in the number of students required to report and the number who actually report is multiplied by the "average cost incurred per student" to give the "total FFP adjustment."

(3) The actual percentage of the deficit attributable to each school is calculated and multiplied by the total FFP adjustment to give the school's gross FFP adjustment.

(4) The gross FFP adjustment is multiplied by 75 percent (to account for the federal match rate) to arrive at the net FFP reduction to the school.

(c) Any change in federal regulations which removes the 90-percent employment requirement will automatically void these rules, except for any penalties imposed during the period that these rules are in effect.

(d) These rules contemplate the possibility of retroactive adjustments on the institutions' stipend funding as far back as June 30, 1976.

Issued in Austin, Texas, on August 24, 1976.

Doc. No. 764508      Raymond W. Vowell  
Commissioner  
State Department of Public  
Welfare

Effective Date: August 24, 1976

Expiration Date: December 21, 1976

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

# 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.

## Texas Department of Health Resources

### Environmental Engineering

#### Rules for the Registration of Professional Sanitarians 301.75.10

The Texas Department of Health Resources proposes to amend two of the rules for the registration of professional sanitarians. The rules to be amended are 301.75.10.001, pertaining to definitions, and 301.75.10.003, pertaining to fees.

The department proposes the changes in the definitions of "Sanitarian" and "Education" because sanitarians need a certain minimum knowledge of the basic and natural sciences in the daily performance of their work.

The department also proposes an increase in renewal fees in order to keep the Sanitarian Registration Program self-supporting.

Public comments on the proposed changes are invited until October 1, 1976, and should be submitted in writing to Sam L. Warrington, P.E., Chief, Certification and Registration Branch, Division of Environmental Engineering, Texas Department of Health Resources, 1110 West 49th Street, Austin, Texas 78756.

These changes are proposed under the authority of Article 4477-3, Texas Revised Civil Statutes.

.001. *Definitions.* To aid in the evaluation of definitions given in the law, these interpretations are established:

(a) "Sanitarian" means a person who is qualified by education and experience in the *basic* [biological] and *natural* [sanitary] sciences, to engage in the promotion and protection of man's health, safety, and well-being by applying technical knowledge to the solution of problems of a sanitary nature and developing methods for the *hygienic* [sanitary] control of his environment. Generally, the sanitarian performs responsible supervisory and sanitation work in a recognized health department or in industry; recommends and promotes adequate improvement of environmental sanitation on public and private premises; prepares and presents sanitation information for teaching public health concepts; conducts investigations of public health nuisances and complaints; promotes enforcement of state laws and local ordinances through skillful presentation of public health facts to the public; outlines and activates a program of inspection of food establishments, tourist and trailer camps, schools, private and semi-private water supplies, sewerage systems, swimming pools, dairies, milk and milk products plants, and abattoirs and slaughterhouses; and submits reports and records of duties performed, including evaluations and recommendations for improvement of programs.

(b) "Education" means graduation from a recognized college or university with *at least 15 semester hours in basic science (defined as any one of the sciences, as anatomy, physiology, bacteriology, pathology, or biochemistry, fundamental to the study of medicine) and/or natural science (defined as branches of science as physics, chemistry, biology that deal with matter, energy, and their interrelations and transformations or with objectively measurable phenomena). The revised educational requirements are to become effective January 1, 1977.* [a major course in basic sciences or subjects relating to public health and environmental sanitation.]

(c) "Examination" means the Sanitarian I examination given by the Texas Merit System Council or any other examination approved by the Texas Department of Health Resources.

(d) "Experience" means one year of experience as a sanitarian.

.003. *Fees.* All fees shall be made payable to the Texas Department of Health Resources and are not returnable.

(a) A fee of \$10 shall accompany each application for registration as a professional sanitarian.

(b) A fee of \$5 shall accompany each application for registration as a sanitarian-in-training. When a

sanitarian-in-training becomes eligible for registration as a professional sanitarian, he shall include a fee of \$10 with his application for registration.

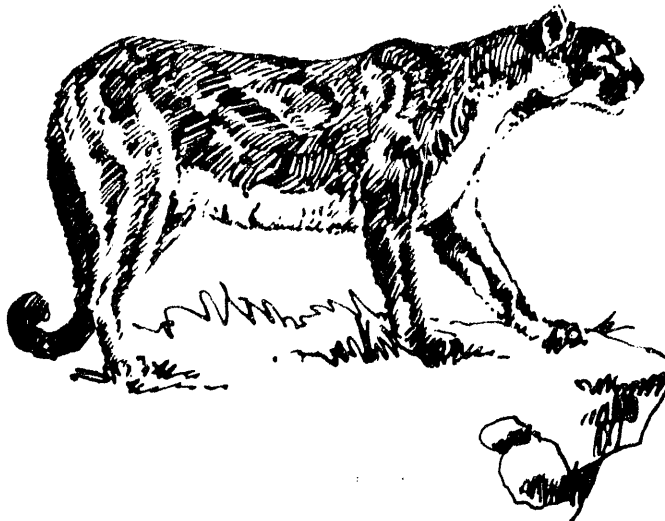
(c) Renewal fees of \$8 [\$5] effective September 1, 1977, are payable annually after September 1. A published list of registered sanitarians in good standing will be issued on January 15, and unless the renewal fee has been received by January 1, the names of those who have not paid the renewal fee will be omitted from the published list. Renewal may be effected at any time during the month of September by the payment of a fee of \$8 [\$5]. The fee to be paid for the renewal of a certificate after the month of September shall be increased 10 percent for each month or fraction of a month that renewal payment is delayed; provided, however, that the maximum fee for delayed renewal shall not exceed twice the normal renewal fee. Reinstatement after a 12-month period shall be subject to the filing of a new application for registration, to the passing of a written examination, and to the payment of the \$10 application fee.

Issued in Austin, Texas, on August 10, 1976.

Doc. No. 764462 Charles K. Foster, Director  
Division of Environmental  
Engineering  
Texas Department of Health  
Resources

Proposed Date of Adoption: October, 1976

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



## Texas Parks and Wildlife Department

### Parks

#### Park Entrance and Park User Fees 127.40.01

The Texas Parks and Wildlife Commission is proposing to adopt Rules 127.40.01.014-.017, relating to park entrance and park user fees.

The department is in the process of repealing existing Rules 127.40.01.001-.013, which were converted from an operational manual and contain too many internal procedures.

The commission has established a policy relating to park entrance and park user fees, and proposes to adopt Rules 127.40.01.014-.017 in accordance with this policy. The proposed rules will replace existing Rules 127.40.01.001-.013, which are being repealed.

Public comment on proposed Rules 127.40.01.014-.017 is invited. Comments may be submitted by telephoning (512) 475-6275, or by writing to Bill Collins, Park Operations and Maintenance Branch, Parks Division, John H. Reagan Building, Austin, Texas 78701. Comments will be accepted until September 30, 1976.

These rules are proposed under the authority of Section 49e, Article III, Constitution, and Chapters 13 and 21, Texas Parks and Wildlife Code.

#### .014. General Statement.

(a) The Executive Director of the Texas Parks and Wildlife Department shall interpret and implement these rules to obtain maximum benefits for the people of Texas in their enjoyment of the state park system and in the expansion, improvement, and perpetuation of the system for the use of present and future generations.

(b) The Texas Parks and Wildlife Commission recognizes that those persons receiving the greatest and most direct benefit from the system should contribute an equitable share of the system's financial requirements.

#### .015. State Park Entrance Fees.

(a) An entrance fee will be levied at state parks. The fee will grant entry and presence privileges for a specific 24-hour period or part thereof, regardless of the number of times of entry during the valid period. At the end of each 24-hour period, the fee will become due for the succeeding 24-hour period or part thereof.

(b) An annual \$12 entrance permit will apply at all state parks where entrance fees are prescribed in lieu of a daily entrance fee. The annual permit will admit the purchaser and all occupants of his private non-

commercial vehicle to all state parks where entrance fees are charged, whether on a per-car or per-person basis, but will not apply to commercial, quasi-public, or public buses or other such vehicles. A duplicate permit will be available at a rate of \$2.50 each. A replacement permit will be available at a rate of 25 cents each.

(c) An annual entrance permit of \$5 will be charged for entrance into any one state park as designated by the purchaser at the time of purchase. The entrance permit is prescribed in lieu of the daily entrance fee which would ordinarily be charged for entrance to the designated park. Once the holder of a permit has designated a certain state park, no transfer to a second park will be allowed under the same permit. The permit will admit the purchaser and all occupants of his private noncommercial vehicle to the designated state park of his choice where entrance fees are charged, whether on a per-car or per-person basis, but will not apply to commercial, quasi-public, or public buses or other such vehicles. A replacement permit will be available at a rate of 25 cents each.

(d) Annual permits are not valid for conducted tours, fishing privileges on fishing piers, or for park entry at San Jose Mission and Monument Hill State Historic Site.

(e) Youth organizations composed of individuals 17 years of age and under, having a state or national affiliation, or sponsorship by a governmental agency, nonprofit, civic, or community organization, may purchase an annual \$12 entrance permit for the exclusive use of the group not to exceed 50 persons. To be eligible for park entry, each group or unit not to exceed 50 persons must purchase a permit. Organizations eligible to purchase the annual group entrance permit shall submit an application with a check or money order in the amount of \$12 for each 50 persons or portion thereof. The application must be approved by the Director of the Parks Division prior to the issuance of the permit. Each permit will authorize park entry of all vehicles or buses carrying members of the group provided the adult sponsor presents the permit or permits at the park entrance and identifies each vehicle and its occupants.

(f) An entrance fee of \$1 per motorized vehicle per day will apply at parks designated by the department in lieu of an annual permit.

(g) An entrance fee of 50 cents per motorized vehicle per day will apply at parks designated by the department in lieu of an annual permit.

(h) An entrance fee will apply on a per person basis at parks designated by the department.

(i) The executive director may, at his discretion, temporarily waive any entrance fees or conditions thereof established in this rule at any park when construction activities at the park adversely affect public enjoyment of the recreational opportunities normally available.

(j) No entrance fee will be charged or collected at parks unless the department deems it feasible to collect the fees.

(k) Persons entering parks by boat, bicycle, or on foot are authorized to use a valid annual or restricted annual park entrance permit receipt in lieu of paying an individual entrance fee. An individual presenting a receipt must be the same person to whom the annual permit was issued or a member of the original permit holder's immediate family. Individuals eligible for park entry as specified herein may be accompanied by as many as three other persons.

(l) Persons 65 years of age or over will not be required to pay an entrance fee at state parks. State parklands passports will be issued to eligible persons at state parks and the Austin headquarters. A driver's license, birth certificate, military discharge papers, or any other suitable identification considered sufficient proof for establishing the age and identity of an individual must be presented at the time the passport is issued.

(m) All motor vehicles carrying the holder of a state parklands passport may enter the park without payment of an entrance fee. This passport does not exempt the holder from payment of fees for fishing privileges or tour fees required in certain units of the state park system.

(n) A duplicate state parklands passport may be issued for use on additionally owned motor vehicles. A replacement for a state parklands passport may be issued when the original registration or windshield sticker is lost, stolen, damaged, or the motor vehicle is sold, traded, or stolen, or when the motor vehicle windshield is replaced.

(o) Entrance fees established in subparagraph (b), (c), (f), and (g) of this rule will apply to all private aircraft and noncommercial motorized vehicles including two- or more-wheeled vehicles. Commercial, quasi-public, or public buses or other vehicles are excluded.

(p) Persons entering parks by bus, where entrance fees are charged on a per-car basis, in lieu of a \$12 annual group permit, will be charged a group rate as follows: Adults: 1-11 persons, 25 cents each, minimum \$1; 12-47 persons, \$3; 48 or more persons, \$5; children 12 years of age and under, 1-29 persons, 10 cents each, minimum \$1; 30 or more persons, \$3.

(q) Organized groups consisting of individuals 12 years of age and under may enter the park in buses or other type vehicle at the rate of 10 cents per person, provided they are accompanied by adult supervisors and the entrance fee for the entire group is paid at one time.

(r) Persons entering parks on foot, bicycle, or by boat where entrance fees are charged on a per-car basis will be charged an individual rate of 25 cents for adults and 10 cents for children 12 years of age and under in

lieu of the provisions of the \$12 annual group entrance permit.

(s) The valid time period for daily entrance fees will be:

(1) for day use, the time period encompassing the day-use opening hours of the park on the date on which admission is paid; and

(2) for overnight use, a 24-hour period beginning at 2 p.m. on the date admission is paid.

(t) At the discretion of the executive director, any person or persons may be exempted from the provisions of this rule if the entry of such person or persons to a park or parks is necessary or desirable in order to provide a service for the state. The executive director is authorized to issue such entrance fee waivers under certain circumstances and conditions. A written record shall be maintained of all such exemptions.

(u) The executive director is authorized to establish an entrance fee in accordance with these rules at any site hereafter established as a state park; however, such action shall be submitted to the commission for ratification, modification, or repeal at the first subsequent public meeting.

(v) Any fees established in this rule may be waived or reduced at the discretion of the executive director for public use of a park during special events or exhibitions.

*.016. Facility Use Fees.* A user fee will be collected in the amount shown for the privileges, services, accommodations, or facilities listed in this rule. Day rates are authorized only where indicated. Capacity requirements will be observed; parties requiring larger accommodations must obtain additional facilities. Preferences will be given if desired facility is vacant or not reserved. Check-out time is 2 p.m. for all overnight accommodations.

(a) Campsite-- \$2 per motor vehicle;

(b) Campsite with utilities: campsite with electricity-- \$3 first motor vehicle, \$2 all others; campsite with electricity and sewage-- \$3.50 first motor vehicle, \$2 all others;

(c) Shelters: screened and open. Screened shelter-- \$5 first motor vehicle, \$2 all others; open shelter-- \$3 first motor vehicle, \$2 all others;

(d) Campsites and shelters should accommodate only one family or party unit of not more than eight persons with a combination of motor vehicles and trailers not to exceed two. If the park manager deems the site will accommodate additional motor vehicles, trailers, or camping equipment without endangering park resources or causing an overload on park utilities that results in an inconvenience to other campers or damage to park installations, he may authorize additional motor vehicles or trailers to such extent he deems feasible. A party unit is defined as a group of related or unrelated persons who desire to occupy a park facility.

(e) Individuals who arrive at the park in separate motor vehicles and certify in an affidavit that they are members of the immediate family occupying a campsite will not be required to pay a camping fee.

(f) Individuals, not to exceed eight persons, who enter a park on bicycle or on foot and stay overnight at the same campsite or shelter, will be required to pay only the fee specified for the first motor vehicle.

(g) Group camp: applicable rates shown in subparagraphs (a), (b), and (c) of this rule will be charged for use of a group camp. Mess hall only-- \$20; bunk houses, Lake Brownwood State Recreation Area only, each \$3.50 per day. Capacity for each group camp will be posted at park headquarters where the facility is located.

(h) Group picnic site (day use only): capacity: 1-25 persons-- \$5; 25-75 persons-- \$10;

(i) Cabins: one-two persons-- \$10; each additional adult-- \$2; each additional child 6-12 years of age-- \$1; children under six-- free; includes towels and linens. Capacity for each cabin will be posted in the cabin and park headquarters.

(j) Lodge or court:

(1) Indian Lodge (Davis Mountains State Park): single-- \$12; double-- \$14; double with twin beds-- \$17; suite with twin beds-- \$23; each additional adult-- \$2; each additional child 6-12 years of age-- \$1; children under six-- free; includes towels, linens, maid service, telephone, and television. Room capacity will be posted in rooms and at the registration desk. Indian Lodge will be closed for a two-week period beginning the second Monday in January of each year.

(2) San Soloman Springs Court (Balmorhea State Recreation Area): one person-- \$10; each additional adult-- \$2; each additional child 6-12 years of age-- \$1; children under six-- free; extra cost for kitchen unit-- \$4; includes towels, linens, maid service, and television.

(k) Individual lodges:

(1) Lost Pines Lodge, Bastrop State Park. Daily rate \$25, capacity eight persons; includes towels, linens, and maid service;

(2) Beach Lodge, Lake Brownwood State Recreation Area. Minimum rate-- \$30 for 16 persons or less, \$2 for each additional person; maximum rate-- \$50 for 26 persons total capacity; includes towels and linens.

(3) Fisherman's Lodge, Lake Brownwood State Recreation Area; daily rate-- \$30, capacity 10 persons; includes towels and linens;

(4) Bass Lodge, Daingerfield State Park. Minimum rate-- \$26 for 16 persons or less, \$2 each additional person; maximum rate-- \$50 for 28 persons total capacity; includes towels and linens.

(l) Group barracks, shelter, and dining hall.

(1) 1-48 persons-- \$50 per day; each additional

person-- 75 cents; hotel tax applicable to total amount. Rate includes barracks sleeping quarters and dining room; recreational hall at Fort Parker available if 25 or more persons occupy facility. Dining hall only-- \$30; hotel tax not applicable.

(2) Groups desiring the use of barracks only, not to exceed two barracks, may occupy the facilities on a first come, first serve, basis for a maximum of two days initially and then on a one-day basis thereafter when the total facility is not reserved, or when, in the judgment of the park manager, a large group reservation is not anticipated. The rate for this type of usage will be 75 cents times the maximum sleeping capacity of each barracks. The hotel tax is applicable on the total.

(3) Screened shelters and dining hall (McKinney Falls State Park only): 1-48 persons-- \$50 per day; each additional person-- 75 cents; (hotel tax applicable to total amount); dining hall only-- \$30; (hotel tax not applicable).

(4) Individuals or groups desiring the use of screened shelters only at McKinney Falls State Park may occupy the shelters on a first come, first serve, basis for a maximum of two days initially and then on a one-day basis thereafter when all or part of the area is not used for group occupancy. The rate is \$10 per day for first motor vehicle and \$2 for each additional vehicle. Occupancy is limited to eight persons. The hotel tax is applicable.

(m) Swimming (pool or beach area); adults-- 50 cents; under 13-- 25 cents; children under six must be accompanied by parent or guardian. Both must be dressed in swimming apparel.

Special use of swimming pools after regular operating hours by private groups:

(1) Pool and pool facilities: \$25 from 30 minutes after regular closing hours until midnight, plus \$25 deposit by check, refunded if area cleaned to satisfaction of park supervisor.

(2) Pool shelter without use of pool: \$10 from 30 minutes after regular closing hours until midnight, plus \$10 deposit by check, refunded if area cleaned to satisfaction of park supervisor.

Pools will be opened to the public beginning on the fourth Friday of May and closed on Tuesday following Labor Day of each year.

(n) Auditorium-- \$35 per day;

(o) Recreational hall-- \$25 per day; capacity for this type facility will be posted in the hall and park headquarters.

(p) Golf green fees (Lockhart State Recreation Area): daily-- \$1.50; weekend (Saturday, Sunday, and holidays)-- \$2.50; individuals 18 years of age and under (excluding Saturday, Sunday, and holidays)-- 75 cents.

(q) Train fares (State Railroad State Historical Park only): adult round trip-- \$5.75; adult one way-- \$3;

child round trip-- \$3.25; child one way-- \$1.75; two years of age and under-- free; child rate applicable to three years through 12 years.

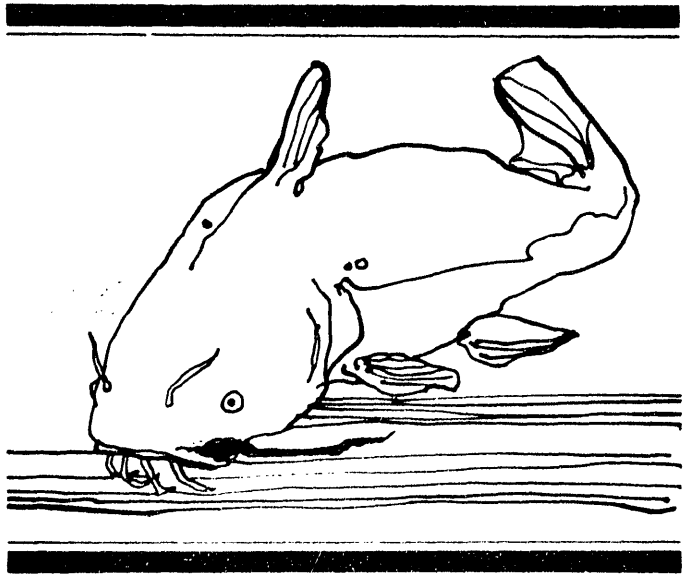
(r) The time period covered by the user fees established in this rule will be as follows:

(1) Day period-- opening hours of park for day use, except when facilities are used by persons having overnight privileges which are valid until 2 p.m. the following day; and

(2) Night period-- a 24-hour period beginning retroactively at 2 p.m.

(s) Miscellaneous fees for use of special facilities or services such as boats, motors, and cots will be established by the executive director giving consideration to the cost of making such facilities or services available at the affected park.

(t) The executive director may adjust any use fee or condition thereof established in this rule, or establish any new use fee and conditions thereof as a part of this rule when, in his judgment, circumstances warrant such adjustment or establishment.



#### .017. Reservation of State Park Facilities.

(a) Reservations may be made for state park facilities listed in Rule 127.40.01.016, subparagraphs (c), (g), (h), (i), (j), (k), (l), (n), and (o) of this rule, provided, however, that no reservations will be accepted prior to February 1 of each year in which the facility is to be reserved.

(b) Requests for advance reservations for a new calendar year beginning February 1 will be accepted in writing by the park superintendent during the period December 1 to January 10 only. A drawing will be held at the park headquarters on January 11 to determine assignment dates. Persons making requests may give four dates in their order of preference, but only one unit

or facility for one consecutive period of time not to exceed 14 days will be reserved if name is drawn. The required deposit must accompany the reservation request. As soon as possible after January 11, the first come, first serve, method of accepting reservations will be resumed.

(c) Reservation requests at other times may be made by telephone and any such reservations will be held three days pending receipt of a deposit check or money order, provided that the reservation is requested at least five days prior to the date upon which the facility is desired.

(d) Unless reservations are cancelled at least 24 hours prior to the date for which the reservations are made, the deposit for the facility will be forfeited. As a general rule, a deposit for one day's rental will be required for the facility in question in order to secure reservations.

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

Doc. No. 764480      Perry V. Spalding  
Administrative Assistant  
Texas Parks and Wildlife  
Department

Proposed Date of Adoption: September 30, 1976

For further information, please call (512) 475-6275.

## State Department of Public Welfare

### Food Stamps

#### Zero-Purchase Households 326.15.56

The Department of Public Welfare proposes the following rule about financial management in the Food Stamp Program. This rule specifies that failure on the part of a household to provide sufficient information to explain financial management is grounds for denial. It is failure to provide information and not financial management that is the basis for such a denial.

This rule is proposed as a result of a department decision to clarify policy in this area.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 349, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*.

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

#### .006. *Households with Expenses in Excess of Income.*

(a) Failure on the part of the household to cooperate in providing sufficient information to explain financial management is a basis for denial.

Issued in Austin, Texas, on August 24, 1976.

Doc. No. 764493      Raymond W. Vowell  
Commissioner  
State Department of Public  
Welfare

Proposed Date of Adoption: September 30, 1976

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

### Verification 326.15.62

The Department of Public Welfare proposes new rules about verification in the Food Stamp Program. Rule 326.15.62.002 provides certification workers with general guidelines for analyzing financial management of households reporting very low income, no income, expenses which exceed income, and questionable information. The guidelines emphasize that these situations must be viewed in the context of long-term management. Financial management cannot be always explained by the immediate situation. For this reason, financial management must be viewed retrospectively.

Rule 326.15.62.003 discusses collateral contacts and who should be used as a collateral contact. It is the household's responsibility to provide information and verification. The collateral contact is a source for assessing that information.

These proposed rules reflect a department decision to clarify policy.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 349, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*.

The following rules are promulgated under the authority of Article 695c, Texas Civil Statutes.

#### .002. *Exploration of Financial Management.*

(a) Workers should examine each application in the context of how the household manages on a long-term basis. This rule applies to applicants reporting very low income, questionable information, and information which is inconsistent with the household's reported or observed standard of living.

(b) Cases with very low income which are reviewed on a month-to-month basis should be analyzed over a long-term period. It is not enough to determine that one month's income exceeds one



month's expense. Cases need to be reviewed in retrospect to ensure that information given in the past is consistent with current developments and reliable for use in making projections for future periods. Questions need to be asked on a case-by-case basis not only to evaluate and verify information provided by the household, but also to look further for clues to unreported or concealed income, expenses, or resources.

(c) In all cases with very low income or questionable information, all factors affecting eligibility and the basis of coupon issuance must be verified to the point that a firm determination can be made that the applicant is either eligible or ineligible for participation. Questions need to be addressed which can explain how the household survives on limited or inadequate income. For instance, households with children in school may have certain educational expenses not allowed for food stamp purposes; persons owning an older model automobile may have frequent repair bills.

(d) While it is possible for a client to be completely dependent on loans from relatives, it is not probable that relatives who themselves have low income will be willing to make unsecured loans for extended periods of time. Loans should be considered as an exclusion only if it is reasonable to assume repayment will be made. A loan is "something lent for the borrower's temporary use," therefore, the word "temporary" should help determine whether repayment can be expected.

(e) Certification workers should not overlook the possibility of income from sources that co-exist with other forms of income. For instance, a waitress might be paid hourly when also receiving tips; salesmen may receive a commission in addition to a salary; construction laborers often receive overtime; and farm laborers may receive crop bonuses. Consideration of income from these sources could assist in explaining financial management.

(f) Another source of income to be considered is insurance which covers household expenses in the event of disability. Payments from this type coverage could meet all household needs and expenses including house, car, and charge account payments.

(g) Food stamps alone cannot permit a household to meet all its financial commitments. For households existing on very low income over an extended period, workers should consider how the client is purchasing food stamps; how much the purchase requirement is; how much, if anything, is left over for day-to-day expenses; whether the level of expenses reported is compatible with the client's standard of living; and whether a home visit should be made in order to explain financial management.

(h) Efforts to explain management when expenses are close to or exceeding income must be fully documented.

### .003. Use of Collateral Contacts.

(a) A collateral contact is an objective third-party source of information. Collateral contacts should serve as a secondary source for income verification and be used mainly as a disinterested source for assessing information provided by the applicant.

(b) Collateral contacts should be used if the household has very low income, no income, or has provided questionable information to the certification worker. Important questions which collateral contacts can answer deal with household composition, employment status of household members, as well as any other information reported by the household. Information provided by collateral contacts in the past should be considered when reviewing the household's current situation.

(c) Collateral contacts should be persons who are objective, reliable, knowledgeable of the household's situation, and capable of furnishing adequate information workers need to reach a firm determination of eligibility. In the interest of objectivity, it is preferable that these persons not be relatives of a household member. Neighbors, ministers, or other community members are recommended.

(d) It is emphasized that the primary source for all verification is the applicant. Collateral contacts are used only after the applicant has fulfilled his or her responsibility for providing verification. Whenever a collateral contact has been made, the person's full name, complete address, and telephone number must be documented in the case record.

Issued in Austin, Texas, on August 24, 1976.

Doc. No. 764494      Raymond W. Vowell  
 Commissioner  
 State Department of Public  
 Welfare

Proposed Date of Adoption: September 30, 1976

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

## Nursing Facility Administration

### Support Documents 326.33.99

The State Department of Public Welfare proposes an amendment to Rule 326.33.99.200, which specifies the vendor rates for nursing facilities.

Federal regulations mandate cost-related reimbursements to providers of Title XIX Medicaid programs. The rate changes are necessary to meet inflationary increases in nursing facility care. Therefore, the department proposes the increased vendor rates to ensure cost-related reimbursements to nursing facilities. This amendment has also been filed as an emergency rule effective September 1, 1976.



Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 443, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*.

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

**.200. Rates for Nursing Facilities.** The *State Board of Public Welfare* approved the following rates effective September 1, 1976 [1975]:

Intermediate Care II Facility: maximum monthly rate-- \$438; maximum daily rate-- \$14.60.

Intermediate Care III Facility: maximum monthly rate-- \$566.70 [\$537.90]; maximum daily rate-- \$18.89 [\$17.93].

Skilled Nursing Facility: maximum monthly rate-- \$701.10 [\$615]; maximum daily rate-- \$23.37 [\$20.50].

Issued in Austin, Texas, on August 24, 1976.

Doc. No. 764497      Raymond W. Vowell  
                                 Commissioner  
                                 State Department of Public  
                                 Welfare

Effective Date: September 30, 1976

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

## Pharmacy Services

### Reimbursement 326.40.08

The State Department of Public Welfare proposes pharmaceutical services for Title XIX Medicaid recipients under the Texas Vendor Drug Program. To ensure continued federal funding for the Texas Vendor Drug Program, the department proposes these amendments and this new rule to implement federally mandated Maximum Allowable Cost (MAC)/Estimated Acquisition Cost (EAC) regulations. These amendments and this new rule have also been filed as emergency rules, effective August 26, 1976.

The MAC portion of this program will not begin at this time since drugs with a maximum allowable cost (MAC) have not been announced by the Department of Health, Education, and Welfare. A listing of these drugs and MAC established for each will be distributed to all providers when received from HEW.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 393, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*.

A public hearing to consider these rules is scheduled for September 16, 1976, at 2 p.m. in Room 411 of the John H. Reagan Building, Austin. Those wishing to make public comment may do so at the hearing.

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

**.001. [Prescription] Legend and Non-Legend Medication.** For all medication, legend and non-legend, covered by the Vendor Drug Program and appearing in the Texas Drug Code Index and supplements: [For prescription legend medication except insulin, non-legend drugs, and birth control tablets:]

(a) Reimbursement to the pharmaceutical provider [pharmacies] will be based upon acquisition cost, verifiable by invoice audit, plus the department's currently established dispensing fee [plus a variable dispensing fee up to a maximum of \$2.36] per prescription, or the usual and customary [total] price charged non-welfare customers, whichever is lower.

(b) Acquisition cost is defined as wholesale estimated acquisition cost (WEAC) or direct estimated acquisition cost (DEAC), as shown in the current Red Book or supplement, for the drug dispensed in the pharmacist's usual purchasing quantity, or maximum allowable cost (MAC) as published by the Department of Health, Education, and Welfare for selected multi-source products. Drugs not listed in the Red Book but listed in the Texas Drug Code Index are to be claimed at invoice cost. [Acquisition cost is defined as the average wholesale price listed in the latest edition of the Red Book and supplements for the drug dispensed in the pharmacist's usual purchasing quantity.] The Texas Drug Code Index [used] will be used as the reference for allowable package sizes of purchased drugs. [for the package size in which the drug was purchased. In the absence of a Red Book AWP listing of a covered drug, the customary wholesale markup will be computed, and this price will be used as the acquisition cost based on the package size used.] No acquisition cost will be paid for samples dispensed.

(c) Non-legend drugs will be reimbursed on the basis of the usual charges to the non-welfare customers or acquisition cost plus 50 percent of cost, whichever is lower. No dispensing fee will be added to these items nor may the 50 percent of cost exceed the provider's assigned variable fee.

(d) The department's variable dispensing fee is established for each pharmaceutical provider based upon cost accounting principles and service expense evaluation studies relating to the total cost incurred during the preparation and dispensing of prescriptions. Therefore, the amount paid by the department for dispensing costs may vary dependent upon the quality and quantity of services provided recipients. Those providers electing to pro-

vide a full range of pharmaceutical services will be eligible for reimbursement up to the maximum allowable rate.

The maximum allowable rate would include expenses associated with:

- (1) 24-hour emergency services,
- (2) patient profiles,
- (3) delivery services,
- (4) annual participation of staff pharmacists in continuing education, and
- (5) maintaining a comprehensive and current pharmaceutical reference library.

(e) [(b)] Reimbursement to licensed physicians who dispense their own drugs and to [non-tax-supported] hospitals with out-patient pharmacies will be based on actual [direct or wholesale] invoice cost, plus a dispensing fee as assigned by the department or usual and customary charge to non-welfare customers, [whichever is lower, plus a maximum dispensing fee of \$1.17 per prescription or usual and customary total price,] whichever is lower.

#### .005. Hospitals, Nursing Homes, and Governmental Institutions.

(a) Rule 326.40.08.004 does [Rules 326.40.08.001-.004 do] not apply to payments for non-legend drugs (OTC) in hospitals, nursing facilities [homes], and other institutions where those drugs are included in the reimbursement formula and vendor payment to the institution.

(b) If payment is made to government institutions, including tax-supported hospitals, etc., they will be reimbursed on the basis of actual invoice cost (verifiable by audit) plus an assigned fee for medications dispensed to eligible recipients. This will be by agreement between the institution and the Texas Department of Public Welfare.

#### .006. Brand Name Drugs.

(a) Physicians specifying a brand name drug instead of a drug with a maximum allowable cost are to write, in their own hand, "Brand Necessary" on the face of the prescription. This enables payment at the brand name drug estimated acquisition cost. To indicate this certification (override) on the Pharmacy Claim, enter "666" in the first three spaces of the Physician's ID field.

Issued in Austin, Texas, on August 24, 1976.

Doc. No. 764499 and Raymond W. Vowell  
764501 Commissioner  
State Department of Public  
Welfare

Proposed Date of Adoption: September 30, 1976

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



## Hearing Aid Program

### Support Documents 326.42.99

The State Department of Public Welfare proposes amendments to Rules 326.42.99.200-.205, which give the allowable fees for the Hearing Aid Program. The rate changes are necessary to meet inflationary increases in the costs of hardware and services provided in the Hearing Aid Program. These amendments have also been filed as emergency rules effective September 1, 1976.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 422, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this Register.

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

.200. Fee for Hearing Aid Evaluation. The State Board of Public Welfare has approved a \$48 [\$42.80] fee allowable for a hearing aid evaluation.

.201. Fee for Ear Mold. The State Board of Public Welfare has approved an \$18 [a \$16.50] fee allowable for an ear mold.

.202. Fee for Hearing Aid Instrument. The State Board of Public Welfare has approved a \$181.50 [\$165] maximum fee allowable for a hearing aid instrument. Instruments with a wholesale invoice cost of more than \$181.50 [\$165] require an agreement signed by the recipient to pay the additional cost. Wholesale cost is defined as the manufacturer's quoted single unit wholesale price.

.203. Fee for Fitting and Dispensing. The State Board of Public Welfare has approved a \$53 [\$48.15] fee allowable for fitting and dispensing a hearing aid, to include counseling in the care and use of the instrument and the post-fitting check for minor adjustments.

**.204. Fees for Re-Visits.** The State Board of Public Welfare has approved **an \$11** [a \$10.70] fee allowable for a first re-visit and a **\$23.50** [\$21.40] fee allowable for required sound field testing on a second re-visit.

**.205. Fees for Repairs.** The State Board of Public Welfare has approved allowable fees for repairs to hearing aids.

(a) The handling fee allowable is **\$23.55** [\$21.40].

(b) The maximum fee allowable for repair cost is **\$29.40** [\$26.75]. If the actual cost of repairs exceeds **\$29.40** [\$26.75], the recipient must pay the balance.

(c) The maximum fee allowable for repair cost plus handling is **\$52.95** [\$48.15].

Issued in Austin, Texas, on August 24, 1976.

Doc. No. 764506      Raymond W. Vowell  
Commissioner  
State Department of Public  
Welfare

Proposed Date of Adoption: September 30, 1976

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

## Railroad Commission of Texas

### Transportation Division

#### Household Goods Carriers 051.03.14.001

Pursuant to a petition filed by Stephen B. Jurbala on behalf of Southwest Warehouse and Transfer Association, the Railroad Commission of Texas is proposing to amend Regulation 051.03.14.001, which defines the scope of the term "household goods" contained in the certificates or permits held by specialized motor carriers which authorize the transportation of household goods.

Proposed amendment 1 would substitute language for that now contained in Section (D) to include in the definition of household goods those household goods which are shipped in containers referred to as "pallet vaults."

Proposed amendment 2 would transfer virtually the same language now contained in Section (D) to a new Section (E).

Sections (A)-(C) are unchanged by these amendments.

Public comment on the proposed amendments to Regulation 051.03.14.001 is invited. Comments may be submitted in writing to James H. Cowden, Director, Transportation Division, Railroad Commission of

Texas, P.O. Drawer 12967, Capitol Station, Austin, Texas 78711. Comments will be accepted until September 23, 1976.

These amendments to Regulation 051.03.14.001 are proposed under the authority of Section 4(a) of Article 911b, Texas Civil Statutes.

**.001. Authority.**

**(D) Household goods in containers referred to as pallet vaults. From one place of use to another place of use; from dealer to user; from user to storage; or from storage to user.**

**(E) The transportation described in (A), (B), (C), and (D) shall not include goods or articles in the way of trade and shall not include the transportation of such goods from manufacturer, wholesaler, distributor, dealer, merchant, or retailer to manufacturer, wholesaler, distributor, dealer, merchant, or retailer.**

Issued in Austin, Texas, on August 20, 1976.

Doc. No. 764455      James H. Cowden, Director  
Transportation Division  
Railroad Commission of Texas

Proposed Date of Adoption: October 4, 1976

For further information, please call (512) 475-3207.

#### 051.03.14.002

Pursuant to a petition filed by Stephen B. Jurbala on behalf of Southwest Warehouse and Transfer Association, the Railroad Commission of Texas is proposing to amend Regulation 051.03.14.002, which prescribes the requirements relating to local representatives of specialized motor carriers of household goods.

The proposed amendment would add a new Section (J), which will authorize specialized motor carriers of household goods that have authority to transport uncrated electronic equipment and component parts, uncrated medical and hospital equipment, uncrated scientific instruments and equipment, special-ordered and custom-manufactured uncrated new fixtures, uncrated new furniture, and telephone equipment and supplies to appoint agents for the transportation of the aforementioned commodities. In addition, the terms "uncrated electronic equipment and component parts," "uncrated medical and hospital equipment," "uncrated scientific instruments and equipment," and "special-ordered and custom-manufactured uncrated new fixtures" are defined in Section (J).

Sections (A)-(I) are unchanged by this amendment.

Public comment on the proposed amendment to Regulation 051.03.14.002 is invited. Comments may be submitted in writing to James H. Cowden, Director, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Capitol Station, Austin, Texas 78711. Comments will be accepted until September 23, 1976.

This amendment to Regulation 051.03.14.002 is proposed under the authority of Section 4(a) of Article 911b, Texas Civil Statutes.

**.002. Local Representatives.**

*(J) Agents for specialized motor carriers of household goods may also act as agents for the transportation of the following identified commodities if the specialized motor carrier or appointed representative holds certificated authority to transport such identified commodities:*

- (1) household goods and used office furniture;*
- (2) household goods in containers known as pallet vaults;*
- (3) uncrated electronic equipment and component parts, uncrated medical and hospital equipment, and uncrated scientific instruments and equipment;*
- (4) special-ordered and custom-manufactured uncrated new fixtures;*
- (5) uncrated new furniture; and*
- (6) telephone equipment and supplies.*

*The terms "uncrated electronic equipment and component parts," "uncrated medical and hospital equipment," and "uncrated scientific instruments and equipment," include microwave racks, double microwave racks, three double microwave racks, triple microwave racks, data processing systems (complete), account machines and printing units, sorters, collators, duplicators, printers, key punches, storage units, verifiers, control panels, interpreters, wiring units, spare parts, microfilming equipment, account machines, calculators, bank proof machines, x-ray machines (small portable control panel and table; non-portable hospital control panel, transformer, table, tube stand), television translators, broadcast transmitters, 50,000 watt AM transistors, electronic tester equipment, neutron generator lab testing equipment, photography equipment and cameras (large copy camera, microfilm camera, photo rectifier, large copy flow machine), seismograph electronic equipment, Type 317C broadcast transmitters. The term "special-ordered and custom-manufactured uncrated new fixtures" (other than fixtures metal or metal and plastic combined) for offices, stores, banks, saving*

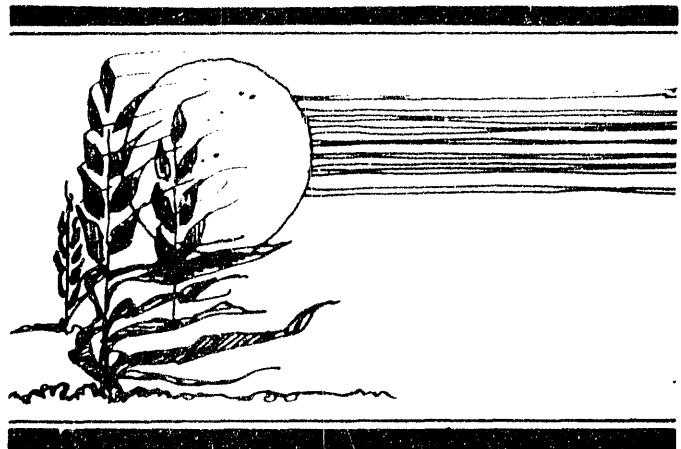
*and loan associations, hospitals, nursing homes, schools, libraries, hotels, government buildings, and churches is limited to the following described items: panels and paneling, wall cabinets, stanchions and specifically designed pieces, cabinets, special desks, show cases and specially designed display pieces, wall fixtures and shelving, center fixtures, gondola fixtures, counters (including storage counters), tellers' and cashiers' cages and railings, directors' tables, and nurses' stands and counters.*

Issued in Austin, Texas, on August 20, 1976.

Doc. No. 764456      James H. Cowden, Director  
Transportation Division  
Railroad Commission of Texas

Proposed Date of Adoption: October 4, 1976

For further information, please call (512) 475-3207



## Railroad Transportation Rules 051.03.90

The Railroad Commission of Texas is proposing to adopt Rule 051.03.90.001, which would prescribe a minimum level maintenance standard on all main line railroad track over which unit trains of coal are transported.

The commission proposes this rule in view of the fact that there were over 500 derailments in Texas during each of the years of 1974 and 1975. If permitted to continue, this number of derailments presents a grave safety hazard which could jeopardize or delay the transportation of coal so necessary for Texas' future energy requirements. As a result of a survey completed by the commission in June, 1976, the following estimates were developed for the shipment of coal into Texas by unit trains:

Year	Origin	Texas Destination	Tons Per Day	Daily No. of Cars
1980	Wyoming	Panhandle Area	8,300	83
1990	Wyoming	Panhandle Area	25,000	250
1985	New Mexico	Dallas	11,100	111
1990	New Mexico	Dallas	36,100	361
1980	Wyoming	San Antonio	8,300	83
1990	Wyoming	San Antonio	8,300	83
1980	Montana	Bastrop (Austin area)	5,500	55
1990	Montana	Bastrop (Austin area)	11,100	111
1980	Montana	Houston	1,300	13
1990	Montana	Houston	1,300	13
1980	Montana	Austin	3,100	31
1980	Montana	Austin	4,500	45
1980	Unknown	Corpus Christi	4,200	42
1990	Unknown	Corpus Christi	8,300	83

Daily number of coal cars moving in Texas by 1980--307

Daily number of coal cars moving in Texas by 1990--946

Public comment on Proposed Rule 051.03.90.001 is invited. Comments may be submitted in writing to James H. Cowden, Director, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Capitol Station, Austin, Texas 78711. Comments will be accepted until September 27, 1976. On October 4-8, 1976, a public hearing will be held in Room 509 of the E. O. Thompson Building, 10th and Colorado Streets, Austin. The purposes of this hearing will be to develop all pertinent facts concerning the movement of unit trains of coal in Texas, so that an optimum speed can be determined for each railroad corporation owning or operating a line of railroad in Texas over which unit trains of coal are being or will be transported. The following information and data should be presented at the hearing:

(1) the average size and weight of cars to be used in the movement of coal;

(2) the number and condition of grade crossings and the names of the cities and towns through which each movement of coal is or will be transported;

(3) the condition of track, including the severity of curves and grades;

(4) the kind and number of locomotives that are or will be used to transport coal;

(5) the typical distance required to stop a typical unit train of coal; and

(6) any other pertinent or relevant information or data that can be utilized by the commission in its determination of the current condition of the track and roadbed and the optimum speed for such coal unit trains.

This regulation is proposed under the authority of Article 6506, Texas Civil Statutes.

.001. *Maintenance of Railroad Track Over Which Unit Trains of Coal Are Transported.* Each railroad corporation owning or operating a line of railroad in Texas shall maintain or put in safe condition all main line railroad track over which unit trains of coal are

transported, so as to enable such trains to maintain an optimum speed.

Each railroad corporation owning or operating a line of railroad in Texas shall submit written reports to the commission on all such main track not able to maintain an optimum speed no later than the date this rule becomes effective; and shall thereafter submit written reports to the commission not later than the first day of each month specifying, in detail, all work progress to upgrade such main line track to the optimum speed herein prescribed.

Each such railroad corporation shall complete compliance with this rule prior to the first movement of a unit coal train over its main line track, except those railroad corporations presently moving coal by unit train shall make written application to the commission within 30 days after this rule becomes effective to establish a reasonable time in which to comply.

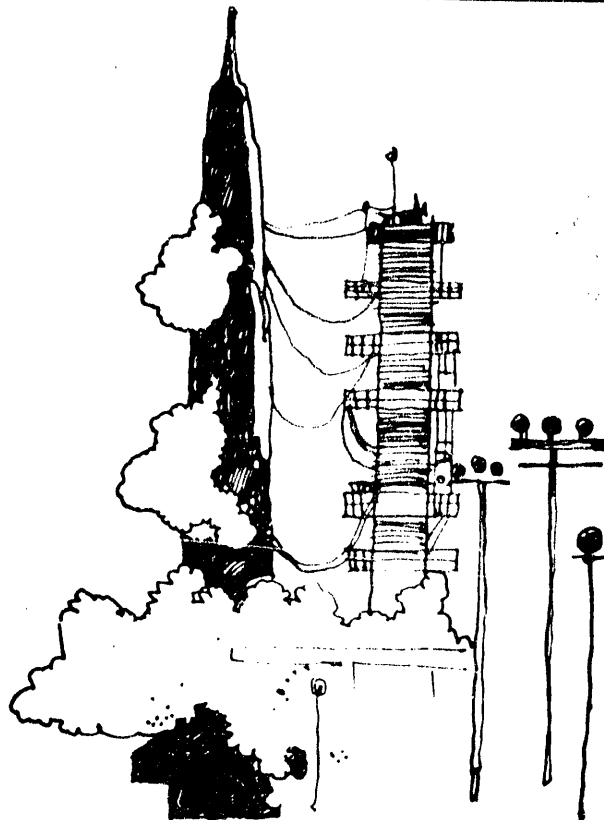
Failure to comply with this rule will be enforced under the penalty provisions of Article 6507, Texas Civil Statutes.

Issued in Austin, Texas, on August 20, 1976.

Doc. No. 764454      James H. Cowden, Director  
Transportation Division  
Railroad Commission of Texas

Proposed Date of Adoption: November 8, 1976

For further information, please call (512) 475-3207.



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.

## Board of Pardons and Paroles

### Parole

#### Contractual Placement Services 205.03.06

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

**.001. Organization and Staff.** The organization of this project falls under the authority of the Field Services Section. The program will be supervised by a coordinator paid under a coordination grant who will report directly to the director of Field Services. The coordinator will provide overall direction for the project staff.

**.002. Staff Duties.** The staff will provide monitoring, inspection, and technical assistance to halfway houses either being utilized or being considered as a contract resource for the agency.

**.003. Selection Review Procedures.** Contractual agreements between the Board of Pardons and Paroles' eligible halfway houses will be initiated by the director of Field Services within the guidelines set out herein.

(A) No payment under any arrangement may be made prior to the signing of a formal agreement by the director of Field Services and the Board of Pardons and Paroles.

(B) A committee, known hereafter as the Review Committee, will be set up to review and provide recommendations for or against certification of halfway houses by the board prior to the board's entering into any contractual agreement with the said halfway house.

(1) The Review Committee shall be made up of the members of the Board of Pardons and Paroles or others designated by the board as established in guidelines set out herein. Those persons so designated shall have knowledge of halfway houses and of the rehabilitation processes.

(2) The following areas and other agencies may be presented on the Review Committee:

- (a) the Director of Parole Supervision or his designate;
- (b) a representative of the Field Services Division;
- (c) a representative of the Institutional Services Division;
- (d) a representative of the State Bar of Texas;
- (e) a representative of the Texas Commission on Alcoholism Field Services Section;
- (f) a representative of the Texas Criminal Justice Division, acting in an advisory capacity only to the committee;
- (g) a representative from a Probation Department; and
- (h) a representative from interested citizen's groups.

(3) The Review Committee will review all proposals for services submitted to the Correctional Offender Program Effort (COPE) staff, which staff is charged with the responsibility for gathering all such information as may be necessary for the Review Committee to use in reaching a decision for qualification of a particular halfway house.

(4) The Review Committee will compile a working file on each halfway house, which shall contain the following items of information unless expressly waived by the Review Committee and, if approved, a provisional certificate may be issued:

- (a) a formal application for consideration as a contract referral service agency;
- (b) a report detailing the results of a site visit by a member of the COPE staff;
- (c) a copy of the articles of incorporation of the facility which shall contain the following clearly stated:
  - (1) identification of the corporate entity;
  - (2) purpose of the corporate entity;
  - (3) provisions for tax-exempt status, except when the facility is a private corporation;
  - (4) provisions against conflicts of interest;
  - (5) provisions for amendments to the articles of incorporation;

(6) provision for distribution of assets in the event of dissolution.

(d) a copy of the bylaws of the facility, which shall contain the following clearly stated:

(1) membership in the facility, including the types of membership qualification for membership and rights and duties of the members of the facility;

(2) provisions for the governing body,

(3) number of members in the governing body;

(4) method of selecting members of the governing body;

(5) terms of office for members of the governing body;

(6) provisions for officers of the body;

(7) method of selection of officers;

(8) term of office for all officers;

(9) specification of duties of officers and members of the facility/corporation;

(10) provision for standing committees;

(11) provision for regular and special meetings;

(12) establishment of a quorum for meetings;

(13) responsibilities of the governing body;

(14) use of parliamentary procedures;

(15) provisions for recording the minutes of meetings;

(16) method of amending the bylaws;

(17) provisions against conflicts of interest of members;

(18) specification of the relationship of the chief executive officer to the governing body.

*.004. Personnel Policy of the Halfway House.*

(A) Each halfway house will establish, within a reasonable period of time after contracting with the Board of Pardons and Paroles, personnel policies and make them available to all employees.

(B) A copy of the personnel policies will be filed with the Board of Pardons and Paroles within 180 days after a contract between the board and the affected house is signed and will contain the following information:

(1) an organizational chart;

(2) method of employment and promotion;

(3) method of resignation, suspensions, and terminations;

(4) the person or persons responsible for employment, promotion, resignation, suspension and termination;

(5) a grievance procedure;

(6) job qualifications and job descriptions;

(7) employee evaluation processes;

(8) personnel records;

(9) salaries;

(10) hours of work;

(11) benefits;

(12) provisions relating to attendance at academic and training courses related to the work;

(13) attendance at workshops and conferences related to the work.

*.005. Fiscal Affairs of Halfway Houses.*

(A) The halfway house facility will manage its financial affairs in accordance with standard accounting practices of the State of Texas, legal requirements, and the guidelines and regulations of the funding source. A copy of the annual budget and a cost estimate per client will be attached to the material for inclusion in the permanent file referred to in Rule 205.03.06.003(B)(4).

(B) The budget should reflect and anticipate the following:

(1) the needs and goals along with the resources for meeting these goals;

(2) provisions for a full audit to be conducted annually by an independent firm;

(3) provisions for financial reports to be prepared and submitted to the Board of Pardons and Paroles at regular intervals;

(4) provisions for a standard system of internal fiscal control;

(5) a written fiscal policy statement;

(6) provisions to bond facility staff who have responsibility for funds;

(7) a written policy statement for cash disbursements;

(8) provisions for the maintenance of employee time records;

(9) a written policy statement for the purchase and receipt of orders;

(10) a written policy statement relating to inventory control and for a regularly scheduled inventory.

*.006. Standards and Services.*

(A) All halfway houses/community-based treatment facilities providing contractual services through the above outlined program will adhere to the following minimal standards:

(1) The physical condition of the building will be such as to meet the minimum electrical, plumbing, sanitation, building, fire, and other applicable codes of the governmental jurisdiction in which the treatment center is located.

(2) Adequate food service facilities, meeting all sanitation and health department codes, will be made available for community-based treatment facilities.

(3) The community treatment center should be located in an area reasonably close to public transportation, employment, and vocational opportunities; medical, psychiatric, recreational, and other community resources; and agencies to be utilized by the community treatment center for its clients or provide transportation to such services.



(4) The community treatment center must be adequate in size to meet the needs of the program and comfortably accommodate the number of clients it serves. Adequate provision must be made, not only for sleeping space, but for lounging areas, staff offices, rooms for group and individual counseling, etc., as determined by the governing regulatory body.

(5) The resident capacity of a community treatment center must not exceed or be in violation of any city code or ordinance.

(6) First aid equipment will be available at all times to handle cases of medical emergency. Obviously, this standard refers to minor injuries or to those serious injuries requiring immediate action before professional medical attention can possibly be obtained. Staff members should be knowledgeable in the basics of first aid.

(7) The facility will develop, have in written form, distribute to its staff, and post in a conspicuous location, the details of an emergency fire plan.

(8) The facility will clearly state in writing its purposes, programs, and services offered. This will be done in a form suitable for distribution to staff, clients, referral sources, funding agencies, and the general public.

(B) A facility operating a community treatment center program will provide the following services:

- (1) shelter;
- (2) food service;
- (3) individual counseling and/or group counseling;
- (4) vocational counseling;
- (5) vocational training referral;
- (6) employment counseling and referral;

(C) The facility will, where possible, see that its clients have referral to:

- (1) medical services;
- (2) psychological evaluation;
- (3) psychological counseling or therapy;
- (4) vocational training;
- (5) vocational and/or employment evaluation;
- (6) employment placement;
- (7) academic upgrading, e.g., GED, college courses, etc.;
- (8) any other services as needed by the type of program operated and the particular needs of individual clients.

(D) In general, the facility will identify and document resources that are relevant and essential to the successful conduct of its programs, and will utilize or refer clients to the resources in order to provide services needed by its clientele, but which cannot or should not be provided by the facility operating a community treatment center.

(E) The facility will establish clearly defined and written treatment policies and procedures. Such

policies and procedures will state the type of client acceptable for admission to the program.

(1) Intake policies will be disseminated to appropriate referral sources.

(2) Clearly defined age limits for admission to the program will be established by the facility.

(3) Any category or categories of potential clients not eligible for admission into the program must be stated clearly in the intake policies.

(4) Prospective clients ineligible for admission for services, and their referral sources, must be informed of the reasons for their ineligibility. When possible, the ineligible clients should be referred to other agencies for services.

(F) Program goals and services to be offered will be discussed with the individual client and the parole officer.

(1) The individual treatment program established will be done with a maximum degree of involvement of the client and parole officer.

(2) The facility will develop procedures for evaluation of its clients in order to determine client progress in the program; conferences with the parole officer, the client, and the facility staff, formal or informal, will be held regularly to review such progress and to alter or develop further treatment plans.

(3) The facility should actively participate in the community planning organizations as they relate to the facility's field of services and should conduct a program of public information, using appropriate forms of communication such as the news media, brochures, speaking engagements, etc., to encourage understanding, acceptance, and support of its program. Information should be disseminated to other agencies, civic, religious, fraternal, labor, business, and industrial groups.

(G) The facility will maintain accurate and complete case records, reports, and statistics necessary for the conduct of its program:

(1) appropriate safeguards will be established to protect the confidentiality of the records and minimize the possibility of theft, loss, or destruction;

(2) the minimum standard will be a locked file cabinet accessible only to staff;

(3) a single case record for each client admitted to the program or served by the facility will be maintained so as to communicate clearly, concisely, and completely, appropriate case information;

(4) individual case records will be maintained on a current basis and will include:

- (a) identification data;
- (b) reports from referring sources;
- (c) pertinent case history;
- (d) diagnosis, when appropriate;
- (e) problems and goals;
- (f) referrals for service to other agencies;

- (g) evaluation or progress reports;
  - (h) correspondence pertinent to the case;
  - (i) record of significant incidents, both positive and negative;
  - (j) signed release of information form, where appropriate;
  - (k) current employment data, including place of employment, date of employment, job title, rate of pay, records of client earnings, and an on-going record of employment verification;
  - (l) discharge report, including summary statement;
  - (m) other information necessary and appropriate to the program and/or individual client's case.
- (5) Appropriate safeguards will be established to enable the facility to ascertain the whereabouts of each facility resident at all times.

(H) A procedure for disciplinary action and/or dismissal shall be established as provided by law.

(I) Agencies operating community treatment center programs will establish methods and procedures for evaluating the effectiveness of the program.

(J) The results of evaluation and research should be reviewed on a systematic basis by the staff and governing body to determine:

(1) the effectiveness of program and services in fulfilling the stated purposes and goals of the agency; and

(2) as the basis for change, modification, or addition to the program and services offered by the agency.

(K) The facility must employ competent and qualified staff to provide the services essential to achievement of program goals and client needs.

(L) Each facility must provide 24-hour in-house supervision by a qualified non-client staff member.

#### .007. *Financial Contribution by Client.*

(A) The board may require the client to pay a portion of the costs of his/her residence as the person's financial circumstances may warrant or require.

(B) The amount paid by the board must be reduced accordingly by the facility.

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

Doc. No. 764472 Paul F. Cromwell, Jr.  
Member  
Board of Pardons and Paroles

Effective Date: September 12, 1976

For further information, please call (512) 475-3162.

## State Department of Public Welfare

### General Information

#### Temporary Adoptions 326.01.01

Under the authority of Articles 695c and 695j-1, Texas Civil Statutes, the Department of Public Welfare has repealed Rule 326.01.01.052, as was proposed in the May 4, 1976, issue of the *Texas Register*.

Issued in Austin, Texas, on August 24, 1976.

Doc. No. 764492 Raymond W. Vowell  
Commissioner  
State Department of Public Welfare

Effective Date: September 13, 1976

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

### Aid to Families with Dependent Children

#### Deprivation of Parental Support 326.10.28

The Department of Public Welfare adopts an amendment to its rule about failure to furnish requested medical evidence in the Aid to Families with Dependent Children (AFDC) Program. This rule was proposed in the June 29, 1976, issue of the *Texas Register* as an amendment to Rule 326.01.01.001, which adopted the entire *AFDC Handbook* by reference. The handbook has since been reformatted; the number and the language of the adopted rule are changed to reflect revision to a specific rule rather than the entire handbook.

This amendment specifies procedures to be followed when medical information cannot be obtained because of lack of cooperation of the AFDC applicant/recipient. The purpose of this amendment is to make the procedure for failure to keep a medical appointment conform with the procedure for failure to obtain any other information by the agreed upon date for supplying the information.

No negative comments were received, but the language of the rule has been revised for clarification as requested in the comments.

This amendment has been approved by the State Board of Public Welfare and is adopted as revised under the authority of Article 695c, Texas Civil Statutes.

.027. *Failure of Individual to Furnish Requested Medical Evidence.*

(a) The applicant/recipient must be advised that

failure to keep a doctor's appointment will be considered as failure to furnish information. The application or grant will be denied without further contact unless the applicant/recipient notifies the worker that there are extenuating circumstances beyond his or her control, such as the doctor canceling the appointment or an emergency happening to the applicant/recipient.

(b) If the applicant/recipient appears to be making every effort to obtain the medical examination promptly, a second opportunity may be given to secure the needed examination. If the second appointment is not kept, the applicant/recipient's application or grant will be denied because of failure to furnish information.

(c) The worker must notify the physician that the authorization is no longer in effect as of the day that a determination is made to deny an application or active case. This will prevent the physician from submitting a bill for an examination after a case is denied.

Issued in Austin, Texas, on August 24, 1976.

Doc. No. 764509      Raymond W. Vowell  
                                  Commissioner  
                                  State Department of Public  
                                  Welfare

Effective Date: September 13, 1976

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

## Food Stamps

### Definition of Income 326.15.41

The Department of Public Welfare adopts amendments to its rules about income deductions in the Food Stamp Program. These rules were proposed in the June 1, 1976, issue of the *Texas Register* as an amendment to Rule 326.01.01.002, which adopted the entire *Food Stamp Handbook* by reference. The handbook has since been reformatted; the number and the language of the adopted rules are changed to reflect revision to specific rules rather than the entire handbook.

With the adoption of these amendments reimbursable medical and unusual expense deductions terminate when reimbursement is received. Also, households are allowed deductions for educational expenses paid on behalf of persons who are household members during the certification period, even if they are not enrolled in a school or training program at least half time.

Several comments were received regarding the proposed changes. One comment recommended that emphasis on educational expense deductions be qualified by requiring that such courses enhance opportunities for employment. This comment was not incorporated into the adopted material because such a policy would exceed the scope of existing federal regulations.

Another comment requested clarification on how correspondence courses would be budgeted. After evaluating this comment, it was agreed that additional clarification was warranted. Therefore, the statement was added that such expenses are budgeted as other allowed deductions, during the month payment is anticipated, or prorated throughout the certification period.

Several questions were received regarding problems that could arise if reimbursements are not reported when received. The department, after evaluating such questions, determined that current reporting requirements and procedures for recovering wrongfully received benefits are adequate at this time.

These amendments have been approved by the State Board of Public Welfare and are adopted under the authority of Article 695c, Texas Civil Statutes.

#### .024. Medical Expenses.

(a) The total cost for medical expenses, exclusive of special diets, when the cost exceeds \$10 per month, is deductible from income. If the cost is \$10 or less, no deduction will be allowed, but if costs exceed \$10, workers will deduct the entire amount.

(b) Included as deductions are payments for medical or dental services; hospitalization or nursing care; prescribed drugs, including insulin or over-the-counter medication when prescribed by a medical practitioner (prescription may be either oral or written); health and hospitalization policy payments (excluding cost of health and accident or income maintenance policies); Medicare payments; cost of prosthetics, including the cost of securing and maintaining a seeing-eye dog; reasonable medically related transportation cost; and the cost of an attendant or housekeeper necessary because of age, infirmity, or illness. Costs for so-called medicine chest supplies not covered above are not deductible.

(c) The amount deducted is that amount actually paid or anticipated to be paid during the certification period, even though part may be reimbursable through insurance. Reimbursement payments will be treated as lump-sum payments when received. When the household receives reimbursement, workers must remove the deduction and adjust the household's net food stamp income.

(d) The following special provisions must be applied in determining the amount of the medical deduction:

(1) Payments by the household for hospitalization or nursing care of an individual who was a household member immediately prior to entering a hospital or nursing home are deductible.

(2) The amount deducted for an attendant or housekeeper who is necessary for medical care reasons will be the amount actually paid to the attendant or housekeeper. In addition, for those households who fur-

nish the attendant or housekeeper a majority of his or her meals, a deduction equal to the value of the one-person monthly coupon allotment also will be made. It is not necessary that the attendant or housekeeper actually reside in the household.

(3) For households having the expense of a seeing-eye dog, the cost of dog food and veterinarian bills and other maintenance costs may be included as medical expenses.

(4) Medical expenses related to childhood diseases, accidents, or any other unpredictable health problems are not allowable as a basis for future expense as they cannot be reasonably anticipated. Payments to a doctor or hospital for such illnesses would be allowed as a deduction in the month paid or anticipated to be paid following an illness or accident.

(5) Expected or possible insurance reimbursement for medical expenses is not to be considered in computing medical expense deductions. Such reimbursements, if and when received, are treated as nonrecurring lump-sum payments.

(6) Medicare premiums paid by the state should be excluded as income and not considered a medical expense. All Medicare premiums for SSI recipients are paid by the state; therefore, they are not included as income to the household.

Medicare premiums deducted from Social Security benefits are an allowable medical expense. The premium deducted from the household's Social Security benefits is considered income.

(d) Workers must verify all deductible medical expenses when the amount exceeds \$20 a month or when there is a question about their continuation or regularity of payment. The source used to verify these expenses will be documented in the case record.

*.025. Child Care.* Payments for the care of a child or other persons are deductible when necessary for a household member to accept or continue employment, training, or education in preparation for employment. The amount deducted for such care is the amount actually paid to the attendant or housekeeper. If the household furnishes the attendant or housekeeper a majority of his or her meals, whether or not the attendant lives in the home, a deduction equal to the one-person monthly coupon allotment will be made.

*.026. Tuition and Mandatory Fees.*

(a) Tuition and mandatory fees assessed by educational institutions are deductible from income. This does not include the cost of books, supplies, meals at school, transportation, and payments on deferred education loans.

(b) Households are allowed educational expenses paid only on behalf of persons who are household members during the certification period. Such persons need

not be students for the household to qualify for tuition or mandatory fee deductions. Expenses for correspondence courses are deductible as educational expenses, although the household member taking the courses may not be considered a half-time student in a recognized institution. Correspondence course expenses are budgeted the same as any other expense deduction, that is, either during the month payment is anticipated or prorated over the certification period.

*.027. Support and Alimony Payments.* Support and alimony payments as ordered by the court are deductible. Only the amount actually paid, not to exceed the amount ordered by the court, may be deducted.

*.028. Unusual Expenses.*

(a) Unusual expenses are expenses incurred because of an individual household's disaster or casualty losses which could not reasonably be anticipated by the household. A disaster loss can affect one or a number of households, although not so many as to necessitate a disaster declaration by the president or from FNS. In such situations, the damage is generally severe and households are forced to evacuate their homes. Occasionally, evacuation also will result from the threat of a natural disaster, and this, too, can result in unusual household expenses. Casualty losses on the other hand rarely will affect more than one household, and generally the household will be able to remain in the home.

(b) Unusual expenses resulting from a household's disaster or casualty losses include:

(1) the cost of replacing or repairing essential items of property damaged or destroyed by vandalism, theft, fire, flood, tropical storms, or the elements. Essential items include property or repairs of property necessary to maintain the health and well-being of the members of the economic unit; for example, refrigerators, stove, bedding, and roof repairs. Theft means the theft of money or other essential items of property from the household or a member of the household. All reported thefts will be verified with a police report of the theft or verbally through the police. The verification will be documented in the case record. At least one collateral contact will be made by the worker, besides verification of reported theft to the police, in order to make a determination on a second or subsequent theft reported within a six-month period;

(2) the expense incurred in moving from an area evacuated because of the threat or onset of a natural disaster and the cost of protecting property left in an evacuated area;

(3) the cost of temporary shelter when a household is forced to leave its normal residence as a result of a natural disaster or casualty loss. Payments which such households make on their normal residence will be included as part of the shelter cost and may be deductible;

(4) the funeral costs of individuals who were household members prior to death. These include persons who were household members prior to hospitalization or other care and persons for whom the household head would normally have financial responsibility. A deduction will be made for funeral costs, even though they may be reimbursable through Social Security, veterans' benefits, insurance, or the state government. The entire amount of such costs may be deducted if they appear reasonable. The expense of a wake is not considered reasonable.

(c) The expenses allowed in the above categories will be those which are actually paid or anticipated to be paid by the household during the certification period in which claimed. A deduction for the theft of money is allowed only for the certification period in which the theft occurred. Reimbursements for unusual expenses in the form of insurance, Social Security or veterans' death benefits, or state government benefits are considered as lump-sum payments to the household. The deduction ends when reimbursement is received.

Issued in Austin, Texas, on August 24, 1976.

Doc. No. 764510      Raymond W. Vowell  
                                  Commissioner  
                                  State Department of Public  
                                  Welfare

Effective Date: September 13, 1976

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

## Skilled Nursing Facility

### Administrative Management 326.32.03

The State Department of Public Welfare adopts the amendment to Rule 326.32.03.004 as proposed in the May 11, 1976, issue of the *Texas Register*. The amendment makes changes to the standards for skilled nursing facilities to include a federally mandated requirement for an annual budget and capital expenditures plan. No comments were received; therefore, the department adopts the amendment without changes from the proposed material.

This amendment has been approved by the State Board of Public Welfare and is adopted under the authority of Articles 695c and 695j-1, Texas Civil Statutes.

#### .004. Institutional Planning.

(a) The skilled nursing facility, under the direction of the governing body, prepares an overall plan and budget which provides for an annual operating budget and a capital expenditure plan.

(1) The annual operating budget includes all anticipated income and expenses related to items which would, under generally accepted accounting principles, be considered income and expense items. It is not necessary to prepare an item-by-item identification of the components of each type of anticipated expenditure or income.

(2) There must be a capital expenditure plan for at least a three-year period, including the year of the operating budget. This plan specifies any anticipated expenditure related to the acquisition, improvement, modernization, expansion, or replacement of land, physical plant, building, equipment, or other such capital items. Also included are certain other direct or indirect costs related to capital expenditures. When the amount exceeds \$100,000, the plan must identify in detail the anticipated sources of financing and the objectives of the expenditures.

If the anticipated source of financing for capital expenditures is, in any part, the anticipated reimbursement from Title V (Maternal and Child Health and Crippled Children's Services), Title XVIII (Health Insurance for the Aged and Disabled), or Title XIX (Grants to State for Medical Assistance Programs) of the Social Security Act the capital expenditure plan must state:

(A) whether the proposed capital expenditure is required or is likely to be required to conform to current standards, criteria, or plans developed pursuant to applicable federal or state laws;

(B) whether a capital expenditure proposal has been submitted to the Texas Health Facilities Commission; and

(C) what action was taken by the Texas Health Facilities Commission.

(3) The annual budget and capital expenditure plan is prepared under the direction of the governing body of the skilled nursing facility by a committee consisting of representatives of the governing body, the administrative staff, and the medical staff or medical director. This committee reviews and updates the budget and capital expenditure plan at least annually.

Issued in Austin, Texas, on August 24, 1976.

Doc. No. 764495      Raymond W. Vowell  
                                  Commissioner  
                                  State Department of Public  
                                  Welfare

Effective Date: September 13, 1976

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

## Intermediate Care Facility for Mentally Retarded

### Support Documents 326.35.99

The State Department of Public Welfare adopts the amendment to Rule 326.35.99.200 as proposed in the June 29, 1976, issue of the *Texas Register*. The amendment establishes a rate increase for intermediate care of mentally retarded patients. No comments were received.

This amendment has been approved by the State Board of Public Welfare and is adopted under the authority of Articles 695c and 695j-1, Texas Civil Statutes.

.200. *Vendor Rates.* The State Board of Public Welfare approves rates for services rendered by intermediate care facilities for the mentally retarded. The State Board of Public Welfare approved the following nursing facility rates to begin with the June, 1976, payments:

ICMR-I: monthly rate-- \$540.90; daily rate-- \$18.03.

ICMR-V: monthly rate-- \$731.70; daily rate-- \$24.39.

ICMR-VI: monthly rate-- \$840; daily rate-- \$28.

Issued in Austin, Texas, on August 24, 1976.

Doc. No. 764498      Raymond W. Vowell  
Commissioner  
State Department of Public  
Welfare

Effective Date: September 13, 1976

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

## Adult Denture Program

### Program Benefits 326.41.03

The State Department of Public Welfare adopts the amendments to Rules 326.41.03.001, .003-.004, which were published in the May 4, 1976, issue of the *Texas Register*. The amendments clarify the language of the rules. No comments were received; therefore, the department adopts the amendments with only a minor change made for clarification.

These amendments have been approved by the State Board of Public Welfare and are adopted under the authority of Articles 695c and 695j-1, Texas Civil Statutes.

.001. *Scope of Services.*

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

(1) complete upper denture, acrylic (high impact);

(2) complete lower denture, acrylic (high impact);

(3) upper partial with two or more gold or chrome clasps with rests, acrylic saddle without cast palatal bar;

(4) lower partial with two or more gold or chrome clasps with rests, acrylic saddle without cast lingual bar;

(5) upper partial with gold or chrome palatal bar and two or more clasps, acrylic saddle;

(6) lower partial with gold or chrome lingual bar and two or more clasps, acrylic saddle.

The above denture services include all necessary adjustments and corrections which the dentist feels are required to make the appliance(s) functional.

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

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

(a) oral examinations, radiographs, diagnosis, and pre-treatment estimate;

(b) preparation of the mouth to accept dentures, such as extraction of teeth, removal of bony growths, reconstruction of the soft tissues, or other surgical procedures;

(c) denture repairs;

(d) emergency treatment;

(e) inpatient hospital dental services;

(f) services performed in a commercial laboratory not registered in the State of Texas;

(g) immediate dentures (partial and full);

(h) relines.

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

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

Issued in Austin, Texas, on August 24, 1976.

Doc. No. 764502      Raymond W. Vowell  
Commissioner  
State Department of Public  
Welfare

Effective Date: September 13, 1976

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

### Claims 326.41.05

The State Department of Public Welfare adopts Rules 326.41.05.002 and .004, which were published in the May 4, 1976, issue of the *Texas Register*. The amendment to Rule .002 states that providers who make first impressions for dentures without prior authorization do so at their own risk and that claims can be denied for dental procedures practiced contrary to the Laws Relating to the Practice of Dentistry. Rule .004 specifies that a provider should not proceed with service if the date of authorization is missing from the claim invoice. No comments were received regarding the rules; therefore, the department adopts the rules with only minor changes made for clarification.

These rules have been approved by the State Board of Public Welfare and are adopted under the authority of Articles 695c and 695j-1, Texas Civil Statutes.

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

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

(b) unauthorized or non-allowable services rendered;

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

(d) residents in a state-maintained institution;

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

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

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

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

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

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

Issued in Austin, Texas, on August 24, 1976.

Doc. No. 764503      Raymond W. Vowell  
Commissioner  
State Department of Public  
Welfare

Effective Date: September 13, 1976

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

### Support Documents 326.41.99

The State Department of Public Welfare adopts Rules 326.41.99.200 and .400, which were published in the May 4, 1976, issue of the *Texas Register*. The amendment to Rule .200 specifies that payment for services rendered is based upon the lesser of either the dentist's usual fee or the maximum limitation fee set by the department. Compliance with the Laws Relating to the Practice of Dentistry is added as an amendment to Rule .400. No comments were received regarding the rules; therefore, the department adopts the rules with only minor changes made for clarification.

These rules have been approved by the State Board of Public Welfare and are adopted under the authority of Articles 695c and 695j-1, Texas Civil Statutes.

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

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

(b) Partial dentures: upper with two or more gold or chrome clasps with rests, acrylic saddle without cast palatal bar, \$135; lower with two or more gold or chrome clasps with rests, acrylic saddle without cast lingual bar, \$135; upper with gold or chrome palatal bar and two or more clasps, acrylic saddle, \$180; lower with gold or chrome lingual bar and two or more clasps, acrylic saddle, \$180.

(c) The above denture services include all necessary corrections and adjustments which the dentist feels are required to make the appliance(s) functional.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

Issued in Austin, Texas, on August 24, 1976.

Doc. No. 764504      Raymond W. Vowell  
Commissioner  
State Department of Public  
Welfare

Effective Date: September 13, 1976

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

## Medical Transportation

### Support Documents 326.43.99

The State Department of Public Welfare has adopted Rule 326.43.99.800, as proposed in the May 4, 1976, issue of the *Texas Register*. The rule replaces repealed Rule 326.01.01.052.

No negative comments were received, and the department adopts the rule with no changes in the proposed text.

The rule has been approved by the State Board of Public Welfare and is adopted under the authority of Articles 695c and 695j-1, Texas Civil Statutes.

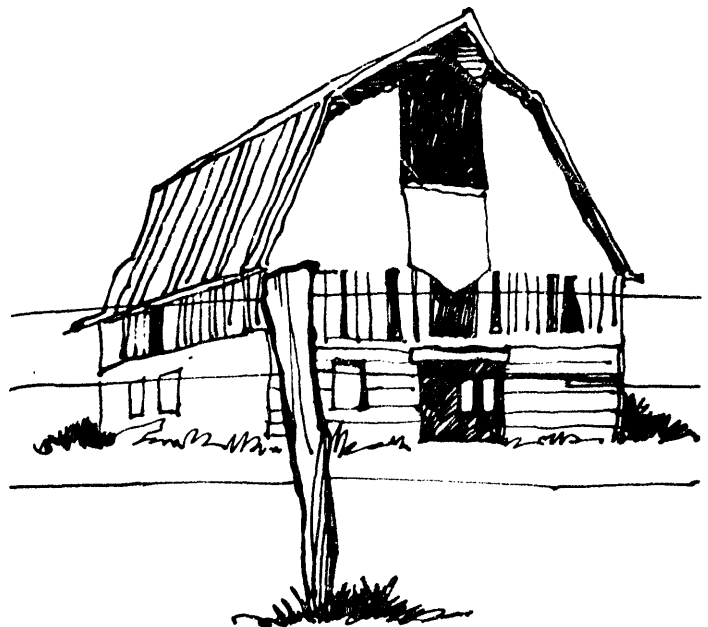
.800. *Application for Certification as Individual Provider.* The Department of Public Welfare adopts by reference the rules contained in the medical transportation form titled Application for Certification as Individual Provider of Medical Transportation, and dated March, 1976.

Issued in Austin, Texas, on August 24, 1976.

Doc. No. 764507      Raymond W. Vowell  
Commissioner  
State Department of Public  
Welfare

Effective Date: September 13, 1976

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





# Railroad Commission of Texas

## Transportation Division

### System of Accounts and Records 051.03.03

Under the authority of Section 4(a) of Article 911b, Texas Civil Statutes, the Railroad Commission of Texas has amended Regulation 051.03.03.003 by adding restrictive language to and deleting conflicting language from Section (a) and by adding a new Section (b) to read as follows:

*.003. Interstate Commerce Commission Accounting.*

(a) Every motor carrier (other than specialized motor carriers of household goods and/or used office furniture and equipment) and motor bus company which maintains a system of accounts and records in compliance with the regulations of the Interstate Commerce Commission applicable to Class I and Class II motor carriers shall be deemed to have complied with the requirements of Regulations 051.03.03.004 and 051.03.03.005.

(b) Every specialized motor carrier of household goods and/or used office furniture and equipment shall maintain in its general ledger the system of accounts prescribed by the Interstate Commerce Commission for use by motor carriers of household goods.

Issued in Austin, Texas, on August 20, 1976.

Doc. No. 764458 James H. Cowden, Director  
Transportation Division  
Railroad Commission of Texas

Effective Date: September 9, 1976

For further information, please call (512) 475-3207.

### Annual and Other Reports 051.03.05

Under the authority of Section 4(a) of Article 911b, Texas Civil Statutes, the Railroad Commission of Texas has amended Regulation 051.03.05.002 by the addition of new language to read as follows:

*.002. Forms of Annual Reports.* Each annual report shall be made on the form prescribed and promulgated by the director or by someone under his supervision. The commission will accept (from other than specialized motor carriers of household goods and/or used office furniture and equipment), in lieu of an annual report on the commission's form, a true copy of the annual report of operating revenues, expenses, and statistics filed by any Class I or Class II motor carrier of passengers or property with the Interstate Commerce Commission pursuant to its regulations, accompanied by a letter of transmittal setting forth the number or numbers of its Texas intrastate certificates or permits.

Issued in Austin, Texas, on August 20, 1976.

Doc. No. 764457 James H. Cowden, Director  
Transportation Division  
Railroad Commission of Texas

Effective Date: September 9, 1976

For further information, please call (512) 475-3207.

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.

## State Banking Board Meeting

A meeting of the State Banking Board will be held on Wednesday, September 8, 1976, 10 a.m., at 2601 North Lamar, Austin. The board will vote on the charter application for Citizens State Bank, Roma; routine domicile change applications for Travis Bank and Trust, Austin, and McAllen State Bank, McAllen; and a motion for rehearing for Peoples Bank of Arlington, Arlington, and Aledo State Bank, Aledo.

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

Filed: August 26, 1976, 10:50 a.m.  
Doc. No. 764536

## Board of Examiners in the Basic Sciences

### Meeting

A meeting of the Board of Examiners in the Basic Sciences will be held 8 p.m. Friday and 8 a.m. Saturday, September 17-18, 1976, in the Preston Hollow Room, Hilton Inn, North Central Expressway, Dallas. The board will consider examination questions for the October 15-16, 1976, examination session, applications, and grading information.

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

Filed: August 25, 1976, 10:06 a.m.  
Doc. No. 764513

## Texas State Board of Dental Examiners Meeting

A meeting of the Texas State Board of Dental Examiners will be held on Saturday, September 11, 1976, 11 a.m., in the board hearing room, Holiday Inn, San Angelo. The board will consider the adoption or amendment of rules and regulations pertaining to dentists and all persons or businesses under its jurisdiction, and conduct regular board business.

Additional information may be obtained from Carl C. Hardin, Jr., 718 Southwest Tower, 7th and Brazos Streets, Austin, Texas 78701, telephone (512) 475-2443.

Filed: August 20, 1976, 8:57 a.m.  
Doc. No. 764431

### Meeting

A meeting of the Texas State Board of Dental Examiners will be held on Friday, October 1, 1976, 1 p.m., in the board hearing room, Hilton Inn, El Paso. The agenda includes the adoption of or amendments to the board's rules and regulations pertaining to dentists and all persons or businesses under its jurisdiction.

Additional information may be obtained from Carl C. Hardin, Jr., 718 Southwest Tower, 7th and Brazos Streets, Austin, Texas 78701, telephone (512) 475-2443.

Filed: August 20, 1976, 8:58 a.m.  
Doc. No. 764432

### Meeting

A meeting of the Texas State Board of Dental Examiners will be held on Saturday, January 29, 1977, 9 a.m., in the Terrace Room, Fairmont Hotel, Dallas. The board will adopt or amend rules and regulations pertaining to dentists and all persons or businesses under its jurisdiction; conduct scheduled disciplinary hearings; and conduct regular board business.

Additional information may be obtained from Carl C. Hardin, Jr., 718 Southwest Tower, 7th and Brazos Streets, Austin, Texas 78701, telephone (512) 475-2443.

Filed: August 20, 1976, 8:58 a.m.  
Doc. No. 764433

## Executive and Legislative Budget Offices

### Hearings

Hearings by the Executive and Legislative Budget Offices will be held Monday through Friday, September 6-10, 1976. The following is a list of the agencies to be considered and the times and locations for the hearings:

Austin State School  
September 8, 8:30 a.m., in the MH/MR Central Office, Austin

Texas Tech University, Texas Tech Museum  
September 8, 9 a.m., at Texas Tech University, Lubbock  
Kerrville State Hospital  
September 8, 1:30 p.m., in the MH/MR Central Office, Austin

Travis State School  
September 9, 8:30 a.m., in the MH/MR Central Office, Austin

Texas Tech University School of Medicine, Western Information Network Association  
September 9, 9 a.m., at Texas Tech University, Lubbock  
Brenham State School  
September 9, 1:30 p.m., at the MH/MR Central Office, Austin

Natural Fibers and Food Protein Committee  
September 9, 2 p.m., at Texas Tech University, Lubbock  
Austin State Hospital  
September 10, 8:30 a.m., at the MH/MR Central Office, Austin

Please confirm the above dates, times, and locations in the event you plan to attend a hearing, since experience has shown that some rescheduling always occurs.

Additional information may be obtained from the Legislative Budget Office, Room 207-A, State Capitol, Austin, Texas 78711, telephone (512) 475-3426.

Filed: August 26, 1976, 9:03 a.m.  
Doc. No. 764530

## Texas Health Facilities Commission

### Emergency Addition to Agenda

An emergency addition was made to the agenda of a meeting of the Texas Health Facilities Commission held on Thursday, August 26, 1976, 10 a.m., in Suite 450,

One Highland Center, 314 Highland Mall Boulevard, Austin. The addition included consideration of an application by Dairy Ashford Medical Center, Inc., Houston, for a motion to rehear request for declaratory ruling to construct a 260-bed general hospital in Houston.

Additional information may be obtained from William D. Darling, P.O. Box 15023, Austin, Texas 78761, telephone (512) 475-6940.

Filed: August 25, 1976, 11:46 a.m.  
Doc. No. 764517

### Meeting

A meeting of the Texas Health Facilities Commission will be held on Thursday, September 2, 1976, 10 a.m., in Suite 450, One Highland Center, 314 Highland Mall Boulevard, Austin, to consider 26 applications for certificates of need, exemption certificates, declaratory rulings, and administrative orders. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from William D. Darling, P.O. Box 15023, Austin, Texas 78761, telephone (512) 475-6940.

Filed: August 25, 1976, 11:46 a.m.  
Doc. No. 764518

## Texas Department of Health Resources

### Meeting

A meeting of the Title XIX Adult Denture Program Advisory and Review Committee of the Texas Department of Health Resources will be held on Sunday, September 12, 1976, 8:30 a.m., in the Texas Department of Health Resources Conference Room, 1110 West 49th Street, Austin. The agenda includes the election of chairman; report on new disposition of providers with large discrepancies; and an executive session. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Oliver J. Knoll, 1110 West 49th Street, Austin, Texas 78756, telephone (512) 454-3781, extension 587.

Filed: August 24, 1976, 12:44 p.m.  
Doc. No. 764477

## Hearings

The Environmental Engineering Division of the Texas Department of Health Resources will consider applications for solid waste disposal sites at hearings to be held at the following times and locations:

### *Thursday, September 16, 1976*

9 a.m.-- City Conference Chamber, City Hall, 401 South Rogers, Waxahachie; the City of Waxahachie, applying for a site in the city (No. 347).

2:30 p.m.-- Grand Jury Room, third floor, Falls County Courthouse, Marlin; Falls County, applying for a site near Cego (No. 770).

Additional information may be obtained from Jack C. Carmichael, 1110 West 49th Street, Austin, Texas 78756, telephone (512) 454-3781, extension 258.

Filed: August 20, 1976, 4:18 p.m.

Doc. No. 764453

## Hearings

The Environmental Engineering Division of the Texas Department of Health Resources will conduct hearings on applications to locate solid waste disposal sites. Listed are the date, time, and place of hearings, the applicant, and requested location of the solid waste disposal site.

### *September 14, 1976, Tuesday*

10 a.m. at City Hall, 630 East Hopkins Street, San Marcos; the City of San Marcos; site within the environs of Camp Gary, Caldwell County.

### *September 15, 1976, Wednesday*

9 a.m. in the City Council Room, 354 North Belknap Street, Stephenville; the City of Stephenville; site in Stephenville.

9:30 a.m. at same location as above; the City of Granbury; site near Granbury.

10 a.m. at same location as above; the City of Strawn; site near Strawn.

10:30 a.m. at same location as above; Lone Star Energy Company; site near Cleburne.

10:30 a.m. in the auditorium of the Health Education Building, San Antonio Metropolitan Health District, 2315 Buena Vista, San Antonio; the City of San Antonio; site near San Antonio.

11:30 a.m. at same location as above; Gregorio T. Gonzales; site near Saspamco.

1 p.m. at same location as above; Medina County (Precinct Number 3); site near the city of Yancey.

### *September 21, 1976, Tuesday*

9 a.m. in the Commissioners Courtroom, 1st floor, Fort Bend County Courthouse, Richmond; Fort Bend County, Precinct Number 4; sites near Rosenberg, and near Sugarland.

9:30 a.m. at same location as above; the City of Needville; site near Needville.

9:30 a.m. at same location as above; City of Sweeny; site near Sweeny.

10 a.m. at same location as above; the City of Pasadena; site near Pasadena.

10 a.m. at same location as above; Tony Scarpinato; a brush-demolition site in Fort Bend County.

### *September 22, 1976, Wednesday*

9 a.m. in the County Courtroom, Montgomery County Courthouse, Conroe; Roy Fulcher; a brush-demolition site near Spring.

9 a.m. at same location as above; Montgomery County; site near Conroe.

9:30 a.m. at same location as above; the City of Huntsville; site in Huntsville.

Additional information may be obtained from Jack C. Carmichael, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 454-3781, extension 258.

Filed: August 24, 1976, 12:44 p.m.

Doc. No. 764478

## State Board of Insurance Emergency Addition to Agenda

An emergency addition was made to the agenda of a meeting of the State Board of Insurance to be held on Tuesday, August 31, 1976, 10 a.m., in Room 408, 1110 San Jacinto Street, Austin, to include consideration of an amendment to plan of operation of JUA.

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

Filed: August 25, 1976, 10:06 a.m.

Doc. No. 764514

## Emergency Meeting

An emergency meeting of the State Board of Insurance will be held on Wednesday, September 1, 1976, 10 a.m., in Room 408, 1110 San Jacinto Street, Austin, to consider a request for statistical information and decisions on hearings and meetings previously held.

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

Filed: August 26, 1976, 9:45 a.m.  
Doc. No. 764531

## Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Tuesday, September 7, 1976, 2 p.m., in Room 343, 1110 San Jacinto Street, Austin, to consider an application by Republic Mortgage Insurance Company, Winston-Salem, North Carolina, (stock casualty company), for admission to Texas under assumed name of RMIC Insurance Company.

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

Filed: August 24, 1976, 3:46 p.m.  
Doc. No. 764482

## Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Thursday, September 9, 1976, 2 p.m., in Room 343, 1110 San Jacinto Street, Austin, to consider the revocation of the fire extinguisher inspector's license of Jim Pilgrim, Pleasanton, under Section 7, Article 5.43-1.

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

Filed: August 24, 1976, 3:46 p.m.  
Doc. No. 764483

## Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Tuesday, September 14, 1976, 2 p.m., in Room 343, 1110 San Jacinto Street, Austin, to consider an appeal by Half Price Book Store, Inc., Dallas, from ruling of Workmen's Compensation Unit with respect to classification of business.

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

Filed: August 24, 1976, 3:46 p.m.  
Doc. No. 764484

## Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Wednesday, September 15, 1976, 10 a.m., in Room 343, 1110 San Jacinto Street, Austin, to consider an application for approval of reinsurance agreement between Guthrie, Harris and Brown Insurance Company, Tyler, in receivership, and Combined Underwriters Life Insurance Company, Tyler.

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

Filed: August 24, 1976, 3:46 p.m.  
Doc. No. 764485

## Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Thursday, September 16, 1976, 10 a.m., in Room 343, 1110 San Jacinto Street, Austin, to consider an application of Great Southwest Life Insurance Company, Dallas, to increase valuation of real estate.

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

Filed: August 24, 1976, 3:46 p.m.  
Doc. No. 764486

## Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Wednesday, October 6, 1976, 10 a.m., in Room 343, 1110 San Jacinto Street, Austin, to consider an application of Georgia Casualty and Surety Company, Atlanta, Georgia, (stock fire and casualty company) for admission to Texas.

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

Filed: August 24, 1976, 3:46 p.m.  
Doc. No. 764487

## Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Thursday, October 7, 1976, 10 a.m., in Room 343, 1110 San Jacinto Street, Austin, to consider an application of AMICA Life Insurance Company, Providence, Rhode Island, (stock life company) for admission to Texas.

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

Filed: August 24, 1976, 3:46 p.m.

Doc. No. 764488

## Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Wednesday, October 13, 1976, 10 a.m., in Room 343, 1110 San Jacinto Street, Austin, to consider an application by Great Equity Life Insurance Company, Chicago, Illinois, (stock life company) for admission to Texas.

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

Filed: August 24, 1976, 3:46 p.m.

Doc. No. 764489

## Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Tuesday, October 19, 1976, 9 a.m., in Room 343, 1110 San Jacinto Street, Austin, to determine compliance by American Guaranty Life Insurance Company, Austin, with Commissioner's Supervision Order 54138, dated August 19, 1976.

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

Filed: August 24, 1976, 3:46 p.m.

Doc. No. 764490

## Texas Advisory Commission on Intergovernmental Relations

### Meeting

A meeting of the Community Development Committee of the Texas Advisory Commission on Intergovernmental Relations will be held on Friday, September 10, 1976, 8 a.m., in Room 119, Stephen F. Austin Building, 1700 North Congress, Austin, to discuss the commission's work in the area of county ordinance-making authority and the land resources project currently under development.

Additional information may be obtained from Paula Manning, Room 622, Stephen F. Austin Building, Austin, Texas 78711, telephone (512) 475-3728.

Filed: August 26, 1976, 9:46 a.m.

Doc. No. 764533

### Meeting

A meeting of the Texas Advisory Commission on Intergovernmental Relations will be held on Friday, September 10, 1976, 9 a.m., in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. The agenda includes consideration of *Intergovernmental Report* on county ordinance-making authority; presentation of constitutional materials relating to the TACIR's Editorial Simplification and Reorganization of the Texas Constitution of 1876, as amended; and consideration of commission reports on the following subjects: property tax and school finance, county governmental finance, personal privacy and the Texas Open Records Act, and areawide cooperation.

Additional information may be obtained from Katherine Bennett, Room 622, Stephen F. Austin Building, Austin, Texas 78711, telephone (512) 475-3728.

Filed: August 26, 1976, 9:46 a.m.

Doc. No. 764532

## Texas Department of Mental Health and Mental Retardation

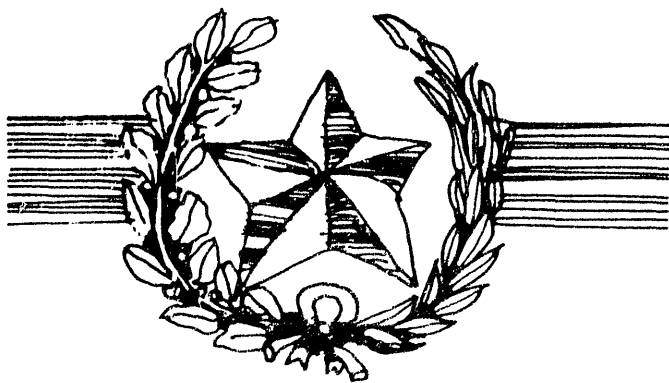
### Meeting

A meeting of the Planning Council for Developmental Disabilities of the Texas Department of Mental Health and Mental Retardation will be held on Thursday and Friday, September 16-17, 1976, 8:30 a.m. each day, at the Howard Johnson's Motor Lodge, Austin. The agenda includes rules on the administration and funding of the Developmental Disabilities Program, the Fiscal Year 1977 State Plan, and a conference on federal/state programs. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Jack Leath, P.O. Box 12668, Capitol Station, Austin, Texas 78711, telephone (512) 475-3761.

Filed: August 24, 1976, 1:54 p.m.

Doc. No. 764479



## Board of Pardons and Paroles

### Meeting

A meeting of the Board of Pardons and Paroles will be held on Tuesday, Thursday, and Friday, September 7, 9, and 10, 1976, 9 a.m. daily, at 711 Stephen F. Austin Building, Austin. The board will review cases of inmates for parole consideration, act on emergency reprieve requests and other acts of executive clemency, and 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: August 24, 1976, 10:03 a.m.

Doc. No. 764475

### Hearing

A hearing by the Board of Pardons and Paroles will be held on Wednesday, September 8, 1976, 9 a.m., at the Diagnostic Unit, TDC, Huntsville, to consider parole violations.

Additional information may be obtained from Ken Casner, 711 Stephen F. Austin Building, Austin, Texas 78701, telephone (512) 475-3363.

Filed: August 24, 1976, 10:03 a.m.

Doc. No. 764476

## Texas Parks and Wildlife Department

### Emergency Addition to Agenda

An emergency addition was made to the agenda of a meeting of the Parks and Wildlife Commission of the Texas Parks and Wildlife Department to be held on Tuesday, August 31, 1976, 9 a.m., in Room 105, John H. Reagan Building, 15th and Congress, Austin, to include approval of the operating budget for the San Jacinto Museum of History Association, San Jacinto Battleground State Historical Park.

Additional information may be obtained from Perry Spalding, John H. Reagan Building, Austin, Texas 78701, telephone (512) 475-3074.

Filed: August 26, 1976, 11:37 a.m.

Doc. No. 764535

## Texas Department of Public Safety

### Meeting

A meeting of the Public Safety Commission of the Texas Department of Public Safety will be held on Thursday, September 2, 1976, 9:30 a.m., at 5805 North

Lamar, Austin, to consider the budget, personnel and policy matters, and pending unfinished business.

Additional information may be obtained from Wilson E. Speir, P.O. Box 4087, Austin, Texas 78773, telephone (512) 452-0331.

Filed: August 24, 1976, 3:45 p.m.  
Doc. No. 764481

## Public Utility Commission of Texas

### Hearing

A hearing by the Public Utility Commission of Texas will be held on Friday, September 10, 1976, 10 a.m., in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to consider the reopening of Docket No. 46.

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

Filed: August 26, 1976, 8:11 a.m.  
Doc. No. 764522

### Hearing

A hearing by the Public Utility Commission of Texas will be held on Tuesday, September 14, 1976, 10 a.m., in Suite 450N, 7800 Shoal Creek Boulevard, Austin. The commission will consider Docket No. 72, the certification application of Southwestern Bell Telephone Company for radio-telephone services in Bexar County.

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

Filed: August 26, 1976, 8:11 a.m.  
Doc. No. 764523

### Hearing

A hearing by the Public Utility Commission of Texas will be held on Thursday, September 16, 1976, 10 a.m., in Suite 450N, 7800 Shoal Creek Boulevard, Austin. The commission will consider Docket No. 73, the certification application of Southwestern Bell Telephone Company for radio-telephone services in Nueces County.

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

Filed: August 26, 1976, 8:11 a.m.  
Doc. No. 764524

### Hearing

A hearing by the Public Utility Commission of Texas will be held on Monday, September 20, 1976, 10 a.m., in Suite 450N, 7800 Shoal Creek Boulevard, Austin. The commission will consider Docket No. 74, the certification application of Southwestern Bell Telephone Company for radio-telephone services in Travis County.

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

Filed: August 26, 1976, 8:12 a.m.  
Doc. No. 764525

### Hearing

A hearing by the Public Utility Commission of Texas will be held on Monday, September 27, 1976, 10 a.m., in Suite 450N, 7800 Shoal Creek, Austin. The application of Tex-Page, Inc., and Airsignal International, Inc., for certificates of convenience and necessity concerning Harris County will be considered.

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

Filed: August 23, 1976, 9:58 a.m.  
Doc. No. 764467

### Hearing

A hearing by the Public Utility Commission of Texas will be held on Tuesday, September 28, 1976, 9 a.m., in Suite 450N, 7800 Shoal Creek Boulevard, Austin. The hearing concerns Docket No. 71, the application for a certificate of convenience and necessity by Jenks Branch Water Supply Company of Liberty Hill in Williamson County.

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

Filed: August 26, 1976, 8:12 a.m.  
Doc. No. 764526



## Hearing

A hearing by the Public Utility Commission of Texas will be held on Tuesday, October 5, 1976, 10 a.m., in Suite 450N, 7800 Shoal Creek Boulevard, Austin. The commission will consider the certification application of Southwestern Bell Telephone Company for radio-telephone services in Potter and Randall Counties (Docket No. 75).

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

Filed: August 26, 1976, 8:12 a.m.

Doc. No. 764527

## Hearing

A hearing by the Public Utility Commission of Texas will be held on Tuesday, October 12, 1976, 10 a.m., in Suite 450N, 7800 Shoal Creek Boulevard, Austin. The commission will consider Docket No. 76, the certification application of Southwestern Bell Telephone Company for radio-telephone services in Dallas County.

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

Filed: August 26, 1976, 8:12 a.m.

Doc. No. 764528

# Railroad Commission of Texas

## Emergency Addition to Agenda

An emergency addition was made to the agenda of a meeting of the Gas Utilities Division of the Railroad Commission of Texas held Wednesday, August 25, 1976, 2 p.m., at the E. O. Thompson Building, 10th and Colorado Streets, Austin. The notice was filed on an emergency basis to permit the commission to clarify its orders of August 19, 1976, granting oral argument and extending the time for consideration of the motions for rehearing to specify more clearly the parties to which those orders speak before the commission's order of July 13, 1976, becomes final by operation of law. The hearing concerned the application of Union Texas Petroleum, a division of Allied Chemical Corporation, to flow-through increased gas costs from Lo-Vaca Gathering Company. Docket No. 628.

Additional information may be obtained from Rex H. White, Jr., P.O. Box 12967, Austin, Texas 78711, telephone (512) 475-4686.

Filed: August 25, 1976, 9:55 a.m.

Doc. No. 764511

## Emergency Additions to Agenda

Emergency additions were made to the agenda of a meeting of the Transportation Division of the Railroad Commission of Texas held on Monday, August 30, 1976, 9 a.m., in the E. O. Thompson Building, 10th and Colorado Streets, Austin, to include consideration of uncontested public convenience and necessity applications, and an uncontested rate application. The complete agenda is posted in the East Wing of the State Capitol.

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

Filed: August 26, 1976, 11:57 a.m.

Doc. No. 764537

## Meeting

A meeting of the Gas Utilities Division of the Railroad Commission of Texas will be held on Tuesday, September 7, 1976, 9 a.m., in the E. O. Thompson Building, 10th and Colorado Streets, Austin, to consider the application of Lo-Vaca Gathering Company for an exception to GUD Number 508 by Butler Drilling Corporation.

Additional information may be obtained from Guy Mathews, P.O. Box 12967, Capitol Station, Austin, Texas 78711, telephone (512) 475-2747.

Filed: August 26, 1976, 11:57 a.m.

Doc. No. 764538

## Meeting

A meeting of the Transportation Division of the Railroad Commission of Texas will be held on Monday, September 7, 1976, 9 a.m., in the Ernest O. Thompson Building, 10th and Colorado Streets, Austin, to consider contested new authority applications; contested rail rate applications; uncontested amended authority applications; uncontested consolidated and divided authority applications; uncontested ICC authority registration applications; uncontested lease authority applications; and miscellaneous items. The complete agenda is posted in the East Wing of the State Capitol.

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

Filed: August 26, 1976, 11:59 a.m.

Doc. No. 764539

## Meeting

A meeting of the Surface Mining and Reclamation Division of the Railroad Commission of Texas will be held on Tuesday, September 7, 1976, 2:30 p.m., in the 10th floor conference room, 10th and Colorado Streets, Austin, to consider the request of Texas Utilities Generating Company to designate specific information contained in the company's permit application as confidential information and not allow public access to the designated information.

Additional information may be obtained from J. Randall Hill, P.O. Box 12967, Capitol Station, Austin, Texas 78711, telephone (512) 475-6520.

Filed: August 26, 1976, 11:58 a.m.

Doc. No. 764540

## Meeting

A meeting of the Oil and Gas Division of the Railroad Commission of Texas will be held on Monday, September 13, 1976, 9 a.m., at the E. O. Thompson Building, 10th and Colorado Streets, Austin, to consider 22 applications for hearings and 39 administrative applications. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from A. H. Barbeck, P.O. Box 12967, Capitol Station, Austin, Texas 78711, telephone (512) 475-3003.

Filed: August 26, 1976, 11:58 a.m.

Doc. No. 764541

## Texas Water Quality Board

### Emergency Addition to Agenda

An emergency addition was made to the agenda of a meeting of the Texas Water Quality Board held on Wednesday and Thursday, August 25 and 26, 1976, 9 a.m. each day, in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin.

The addition was made to include three interagency contracts; a board order permitting Dr. Bob Dicks to accept a part-time lecture position at the University of

Texas at Austin; and a discussion of the Harlingen-San Benito proposed project as it relates to treatment prior to irrigation.

Additional information may be obtained from Michael W. McKinney, 1700 North Congress, Austin, Texas 78701, telephone (512) 475-6497.

Filed: August 24, 1976, 9:42 a.m.

Doc. No. 764474

## Hearing

A hearing by the Enforcement Division of the Texas Water Quality Board will be held on Friday, September 17, 1976, 10 a.m., in the Alice Public Library Lecture Room, 401 East 3rd Street, Alice. The board will explore the status of the City of Alice's compliance with the terms and conditions of Permit 10536. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Lee H. Mathews, P.O. Box 13246, Capitol Station, Austin, Texas 78711, telephone (512) 475-6658.

Filed: August 23, 1976, 9:57 a.m.

Doc. No. 764464

## Texas Water Rights Commission

### Hearing

A hearing by the Texas Water Rights Commission will be held on Wednesday, September 15, 1976, 9:30 a.m., at the Stephen F. Austin Building, 1700 North Congress, Austin, to consider 36 temporary applications. The complete notice 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: August 25, 1976, 3:23 p.m.

Doc. No. 764521

## Hearing

A hearing by the Texas Water Rights Commission will be held on Thursday, September 30, 1976, 10 a.m., at the Stephen F. Austin Building, 1700 North Congress, Austin. The hearing concerns the application of Richard Bridgford and Emily Bridgford. The complete notice 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: August 23, 1976, 3:18 p.m.

Doc. No. 764470

## Hearings

The Texas Water Rights Commission will conduct hearings of applications to appropriate public waters of the state on October 7, 1976, 10 a.m., at the Stephen F. Austin Building, 1700 North Congress, Austin.

The commission will consider Denton Country Club, Application 3641; City of Luling, Application 3642; Lake Sharon Methodist Assembly, Application 3643; Marvin H. Maberry, Jr., Application 3644; Louis C. Baca, Application 3646; and City of Coolidge, Application 2009-A. The complete notices are 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: August 23, 1976, 3:18 p.m.

Doc. No. 764471

## Quasi-State Agencies

### Meetings Filed August 23, 1976

*The High Plains Underground Water Conservation District Number 1*, Board of Directors, met at 2930 Avenue Q, Lubbock, on August 26, 1976, at 2:30 p.m. Further information may be obtained from Frank A. Rayner, 2930 Avenue Q, Lubbock, Texas 79405, telephone (806) 762-0181.

*The Lower Rio Grande Valley Development Council*, Board of Directors, met at the Harlingen Chamber of Commerce, on August 26, 1976, at 2 p.m. Further information may be obtained from Robert A. Chandler, Suite 207, First National Bank Building, McAllen, Texas 78501, telephone (512) 682-3481.

*The Lower Colorado River Authority*, met at 3700 Lake Austin Boulevard, Austin, on August 27, 1976, at 10 a.m. Further information may be obtained from Charles Herring, P.O. Box 220, Austin, Texas 78767, telephone (512) 474-5931.

Doc. No. 764469

### Meetings Filed August 24, 1976

*The Texas Municipal Power Agency*, Board of Directors, met at the Dallas/Fort Worth Airport Marina Hotel, Dallas, on August 26, 1976, at 8:30 a.m. Further information may be obtained from Paul R. Cunningham, 7111 Bosque Boulevard, Waco, Texas 76710, telephone (817) 776-4100.

Doc. No. 764473

### Meetings Filed August 25, 1976

*The Central Texas MH/MR Center*, Board of Trustees, will meet in the board room, 308 Lakeway Drive, Brownwood, on August 31, 1976, at 4:30 p.m. Further information may be obtained from James H. Dudley, P.O. Box 250, Brownwood, Texas 76801, telephone (915) 646-9574.

*The Colorado River Municipal Water District*, Board of Directors, will meet at 400 East 24th, Big Spring, on September 2, 1976, at 10 a.m. Further information may be obtained from O. H. Ivie, P.O. Box 869, Big Spring, Texas 79720.

*The Middle Rio Grande Development Council*, Board of Directors, will meet at the Civic Center, Carrizo Springs, on September 7, 1976, at 4:30 p.m. Further information may be obtained from Richard P. Thomas, P.O. Box 1461, Del Rio, Texas 78840, telephone (512) 775-1581.

Doc. No. 764516

### Meetings Filed August 26, 1976

*The Austin-Travis County MH/MR Center*, Board of Trustees, made an emergency addition to the agenda of their meeting held at 1430 Collier, Austin, on August 26, 1976, at 6:30 p.m. Further information may be obtained from John W. Weimer, 1430 Collier, Austin, Texas 78704.

*The Edwards Underground Water District*, Law Change Study Committee, will meet in the 2nd floor meeting room, Tower Life Building, St. Mary's and Villita Streets, San Antonio, on September 9, 1976, at 10 a.m. Further information may be obtained from McD. D. Weinert, 2603 Tower Life Building, San Antonio, Texas, telephone (512) 222-2204.

*The Golden Crescent Council of Governments*, Board of Directors, will meet in the La Salle Room, Victoria Bank and Trust Building, 120 South Main, Victoria, on August 31, 1976, at 5 p.m. Further information may be obtained from Robert W. Burr, P.O. Box 2028, Victoria, Texas 77901, telephone (512) 578-1587.

Doc. No. 764529



## 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 August 17-23, 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.

Hillcrest Baptist Hospital, Waco  
AH76-0818-001

DR-- Construction and addition to existing facility

Hillcrest Baptist Hospital, Waco  
AH76-0812-001

DR-- Acquisition and operation of a CAT brain scanner

Capital Area Radiation and Research Foundation,  
Austin

AS76-0819-011

EC-- Expansion and renovation of existing facility

Wright Nursing Home, San Antonio

AN76-0823-018

EC-- Construction of a combined dining and activities room

American Care Centers, Inc., Carrollton  
AN75-0911-024E

AO-- Request for 120-day extension of development deadline for a 6.02 approved project 150-bed skilled nursing home

American Nursing Home, Inc., Tomball  
AN75-0911-027E

AO-- Request for 180-day extension of development deadline on a 6.02 approved project 150-bed skilled nursing home

American Nursing Home, Inc., Sugarland  
AN75-0911-025EO-- Request for 180-day extension of development deadline on a 6.02 approved project 150-bed skilled nursing home facility

Lee Goodman Construction Company, Plano  
AN75-0826-006E

AO-- Request for 120-day extension of development on a 6.02 approved project 120-bed skilled nursing home facility

Lee Goodman Construction Company, Irving  
AN75-0826-008E

AO-- Request for 120-day extension of development deadline on a 6.02 approved project to construct a 120-bed skilled nursing home

Averitt-Overcash-Goodman Construction Company,  
Dallas

AN75-0826-013E

AO-- Request for 120-day extension of development  
deadline on approved 6.02 project 120-bed skilled nurs-  
ing home

American Care Centers, Inc., Mesquite

AN75-0911-030E

AO-- Request for 120-day extension of development  
deadline on approved 6.02 project, construction of 150-  
bed skilled nursing home facility

St. Luke's Episcopal/Texas Children's Hospital,  
Houston

AN76-0819-005

EC-- Purchase of siemens sinemobil portable intensifier

Linden Municipal Hospital, Linden

AH75-0626-008D

DR-- Request for ruling that required development in  
EC AH75-0626-008E for approved nursing wing addi-  
tion has been completed

Issued in Austin, Texas, on August 25, 1976.

Doc. No. 764519 William D. Darling  
General Counsel  
Texas Health Facilities  
Commission

Filed: August 25, 1976, 11:47 a.m.

For further information, please call (512) 475-8940.

## The Legislature

Interim legislative committee hearings now being con-  
ducted before the January legislative session are sub-  
ject to frequent changes in agendas and meeting can-  
cellations. The meetings listed below may or may not  
have been altered on momentary notice. For current  
information relating to these meetings, telephone the  
House Committee Clerks' Office at (512) 475-2213 for  
interim house committee meetings. For information  
concerning interim senate committee meetings,  
telephone the Research Director of the Senate at (512)  
475-5818. Telephone numbers for each committee ap-  
pear with each notice for persons desiring further  
specific information.

### House of Representatives

#### Meetings Filed August 25, 1976

*The Higher Education Subcommittee on Career  
Education* will meet in the Old Supreme Courtroom,  
State Capitol, Austin, on September 1-2, 1976, at 10  
a.m. For further information, telephone (512)  
475-2954.

Filed: August 25, 1976, 10:35 a.m.

Doc. No. 764515

## Texas Register

### Notice Clarification

The August 20, 1976, issue of the *Texas Register*  
(Volume 1, Number 65, page 2311) contained a notice  
by the *Comptroller of Public Accounts* that certain  
proposed amendments to Rule 026.02.20.014 had been  
withdrawn from consideration. The amendments to  
which that notice referred were published in the May 4,  
1976, issue of the *Register* (Volume 1, Number 35, page  
1153).

### Publication Schedule Changes

Two state holidays have caused changes to be made in  
the *Texas Register* publication schedule.

The *Register* will not be published on September 3  
because the observance of Lyndon B. Johnson's birth-  
day on Friday, August 27, conflicts with a deadline for  
that issue.

The usual deadlines for the issue to be published on  
September 10 will not be in force because of Labor Day,  
Monday, September 6. For the September 10 issue, the  
deadline for submission of all copy except notices of  
open meetings will be noon on Thursday, September 2.  
All open meetings copy must be received by noon on  
Friday, September 3, for inclusion in that issue.



## Texas Water Quality Board

### Coastal Bend Council of Governments

The Continuing Planning Process has been prepared by the Texas Water Quality Board pursuant to Sections 208 and 303(e) of the Federal Water Pollution Control Act (as amended). This process charges the Coastal Bend Council of Governments with certain specified water quality management planning responsibilities in the Nueces Basin. The Texas Water Quality Board, in a coordinated effort with the Coastal Bend Council of Governments, has developed a Work Task Outline for the Nueces Basin. It has been jointly decided that certain of these work elements can best be accomplished by an engineering consultant.

On behalf of the Coastal Bend Council of Governments, the Texas Water Quality Board is currently requesting proposals from any interested consultants. The proposals are required by September 22, 1976, and selection of a contractor will take place after that date. Inquiries concerning this proposal, including requests for additional information, can be made by contacting Jack Kramer, Administrative Operations Division, P.O. Box 13246, Capitol Station, Austin, Texas 78711, telephone (512) 475-3454.

Copies of the Continuing Planning Process and/or the Work Task Outline for the Nueces Basin are available for inspection in the offices of the Texas Water Quality Board at the above address as well as the offices of the Coastal Bend Council of Governments, P.O. Box 6609, 4600 Parkdale Drive, Corpus Christi, Texas 78411, telephone (512) 854-3081.

Payment for services pursuant to the proposed contract will be funded in part by a planning grant from the Environmental Protection Agency to the Texas Water Quality Board. Execution of the contract between the selected contractor and the Coastal Bend Council of Governments is dependent upon prior approval by EPA of a presently proposed contract between the TWQB and the CBCOG, EPA audit of the proposed contractor/CBCOG contract, and TWQB approval of the proposed contractor/CBCOG contract.

Filed: August 23, 1976, 10:02 a.m.

Doc. No. 764463

