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# TEXAS REGISTER

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STATE DOCUMENTS RECEIVED  
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# NOTES ON THE ISSUE

The State Board of Polygraph Examiners proposes a rule to require that examiners inform their subjects of all questions to be asked. As an effort to safeguard the rights of those being examined, the adoption of this proposal will attempt to ensure that responses are due to the examinee's reaction to the questions rather than to the examinee's surprise.

The Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210) made federal money available to the states for studies and for projects concerning railroads. States are allocated money on the basis of rail mileage abandoned subsequent to the passage of the act relative to abandoned mileage nationwide. The governor designated the Railroad Commission of Texas as the agency to develop the State Rail Plan. The commission, in this issue, proposes the philosophy of the plan as well as criteria for screening and ranking alternatives to abandoning lines. The commission plans to examine light-density lines to establish a possible early-warning system of future abandonments. The commission also will evaluate increased uses of rails and hopes to project possible effects of such increases.

The Texas Department of Health adopts amendments to minimum licensing standards for custodial care and nursing homes. These amendments were proposed in January with a group of rules concerning the administration of medication (3 TexReg 43). The medication administration rules were adopted by the department in May (3 TexReg 1709) and the present adoptions make changes necessitated by the earlier adoption.

*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



**Steven C. Oaks**  
Secretary of State

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## Appointments

### Upshur County

*Effective July 1, 1978, to be criminal district attorney for Upshur County until the next general election and until his successor shall be duly elected and qualified:*

Ned C. Butler  
P.O. Box 842  
Gilmer, Texas 75644

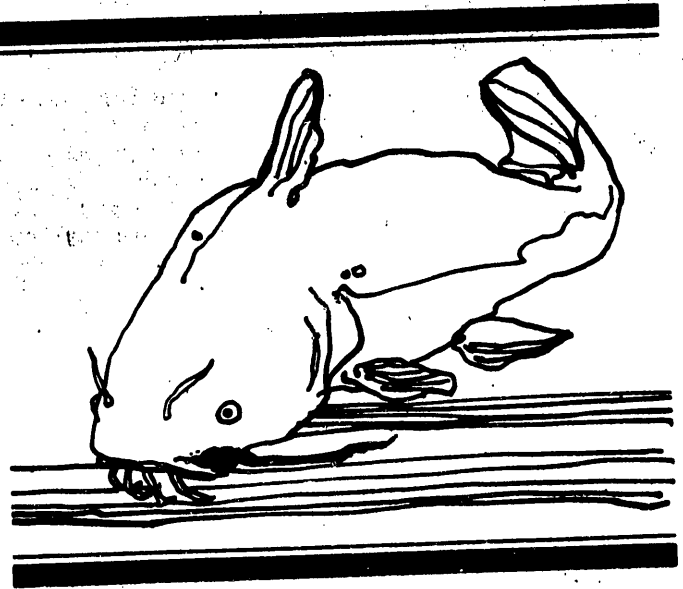
Mr. Butler is replacing Harry Heard of Gilmer, Upshur County, who resigned.

Issued in Austin, Texas, on June 29, 1978.

Doc. No. 78440

Dolph Briscoe  
Governor of Texas

For further information, please call (512) 475-4571.



## Opinions

### Summary of Opinion H-1198

Request from Chet Brooks, chairman, Senate Committee on Human Resources, Austin, concerning whether the Tarrant County Hospital District violated the Open Meetings Act by reaching a settlement agreement regarding the termination of an employee and by issuing a check to that employee when the formal action in open session was taken four days later.

*Summary of Opinion:* A governmental body may not take action or enter into an agreement in a closed meeting.

Doc. No. 784438

### Summary of Opinion H-1199

Request from Margaret L. Rowland, R.N., executive secretary, Board of Nurse Examiners for the State of Texas, Austin, concerning whether the Board of Nurse Examiners may probate a revocation or suspension of a nurse's license.

*Summary of Opinion:* Under present law, the Board of Nurse Examiners may not probate a revocation or suspension of a nurse's license.

Doc. No. 784439

### Summary of Opinion H-1200

Request from David L. Martindale, county attorney for Gray County, Pampa, concerning the payment of the court reporter's salary for the 31st Judicial District.

*Summary of Opinion:* The salary of the court reporter for the 31st Judicial District should be paid by the five counties comprising the district in the proportions prescribed by Article 3912k, Section 3.

Issued in Austin, Texas, on July 3, 1978.

Doc. No. 784464

C. Robert Heath  
Opinions Committee Chairman  
Attorney General's Office

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

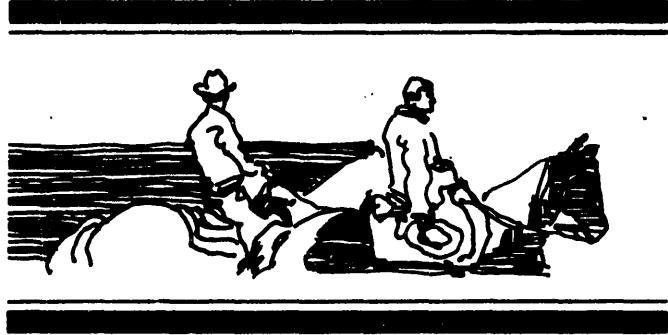
# PROPOSED RULES

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 chapter of rules to which the rule belongs. The third unit (two digits) indicates the subchapter of rules, if any, within the chapter. The fourth unit (three digits) indicates the individual rule.

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



## Texas Parks and Wildlife Department

### Parks

#### Park Entrance and Park User Fees 127.40.01

The executive director of the Texas Parks and Wildlife Department proposes to amend Sections (f)(1), (n), and (o) of Rule 127.40.01.016 under the authority of Section (t) of Rule .016. The proposed amendments: (1) change the wording concerning the user fee for persons entering the park on foot or bicycle who stay overnight at the same shelter or campsite to the present per-site method of determining the user fee rather than on the first and second motor vehicle basis; (2) change the wording concerning the user fee for shelters at McKinney Falls State Park to conform with the per-site method of determining the user fee rather than on the first and second motor vehicle basis; increase the number of days the pool at Balmorhea State Recreation Area will be open; and (3) increase the user fee for auditoriums from \$35 to \$43.75 per day, and the user fee for recreational halls from \$25 to \$31.25 per day.

The fiscal implications of the proposed amendments will result in an increase of approximately \$2,000 in park revenue

each year for the first five years. The increase is based on revenue from auditorium and recreational hall rentals.

Public comment on the proposed amendments to Rule 127.40.01.016 is invited. Comments may be submitted by telephoning (512) 475-4845 or by writing to Bill M. Collins, Park Operations and Maintenance Branch, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744. Comments must be received within 30 days of the publication of the proposal in the *Texas Register*.

The amendments to Rule 127.40.01.016 are proposed under the authority of Chapters 13 and 21, Texas Parks and Wildlife Code.

#### .016. Facility Use Fees.

(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 *site occupied* [first motor vehicle].

(1) Group barracks—shelter and dining hall:

(A) 1-48 persons ..... \$62.50 per day  
Each additional person. .... \$ .75  
(Hotel tax applicable to total amount.)

Rate includes barracks sleeping quarters and dining hall; recreational hall at Fort Parker available if 25 or more persons occupy facility.

Dining hall only ..... \$37.50  
(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-served 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 \$0.75 times the maximum sleeping capacity of each barracks. The hotel tax is applicable to the total.

(3) Screened shelters and dining hall (McKinney Falls State Park only):

1-48 persons ..... \$62.50 per day  
Each additional person. .... \$ .75  
(Hotel tax applicable to total amount.)

Dining hall only ..... \$37.50  
(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-served 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 shelter* 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  
Under 13. .... \$ .25  
Children under six must be accompanied by parent or guardian. Both must be dressed in swimming apparel.

Special use of swimming pool 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. *The pool at Balmorhea State Recreation Area will be open at other times during the year, subject to weather conditions and availability of lifeguards.*

(n) Auditorium..... \$43.75 [\$35] per day

(o) Recreational hall ..... \$31.25 [\$25] per day

Capacity for this type facility will be posted in the hall and park headquarters.

Issued in Austin, Texas, on June 30, 1978.

Doc. No. 784449      Maurine Ray  
Administrative Assistant  
Texas Parks and Wildlife Department

Proposed Date of Adoption: August 11, 1978

For further information, please call (512) 475-4845.

## Texas Board of Polygraph Examiners

### Operating Procedure 397.03.00

The Board of Polygraph Examiners is considering the adoption of Rule 397.03.00.017, which requires the examiner to carefully review with the examinee each question prior to its actual asking in the testing environment. It is the intent of the board to assure total communication between examiner and examinee.

The board has determined that there will be no fiscal implications involved in the adoption of this rule.

Public comment on the proposed adoption of Rule 397.03.00.017 is invited. Comments may be submitted in writing to the office of the board at Lamar Crest Towers, Suite 502, 7701 North Lamar Boulevard, Austin, Texas 78752.

The adoption of Rule 397.03.00.017 is proposed under the authority of Section 6(a), Article 4413 (29cc), Vernon's Civil Statutes.

*.017. Question Review.* The examiner shall personally and carefully review with the examinee all questions to be asked during the polygraph examination. The examinee shall be given an opportunity to answer each question and to explain anything which might cause a response. Questions which have not been previously reviewed will not be asked during any examination.

Issued in Austin, Texas, on July 1, 1978.

Doc. No. 784447      Henry L. Canty  
System Administrator  
Texas Board of Polygraph Examiners

Effective Date: August 11, 1978

For further information, please call (512) 454-3593.

## Texas State Board of Examiners of Psychologists

### Applications 400.02.00.004

The Texas State Board of Examiners of Psychologists is proposing to amend Rule 400.02.00.004, which deals with the fees required of applicants to the board and fees required of psychologists already certified and/or licensed and of psychologist associates already certified by the board, to state that the above-mentioned fees are not refundable. This has been the policy of the board since its existence. It was also decided to remove the phrase "includes examination fee" for psychological associates.

The members of the board have stated that this proposed amendment is anticipated to have no fiscal implications for state or local governments.

Public comment on the proposed amendment to Rule 400.02.00.004 is invited. Persons should submit their comments in writing to Patti Smith, executive secretary, Texas State Board of Examiners of Psychologists, 5555 North Lamar, Building H, Suite 126, Austin, Texas 78751.

The amendment to Rule 400.02.00.004 is proposed under the authority of Article 4512c, Texas Civil Statutes.

*.004. Fees.* Fees for application for certification, licensure, and health service provider; renewal of certification, licensure, and health service provider; and examination [are as follows] *are listed below. None of the fees is refundable.*

Psychologist:

application for certification—\$65, effective January 1, 1978;

examination fee—\$60, effective for April 1978 exam and all exams thereafter;

application for licensure—\$50;

annual renewal of certification—\$15;

annual renewal of licensure—\$50 (to renew licensure, certification must be renewed and current);

original application for health service provider—\$20;

annual renewal of health service provider—\$10.

Psychological associate:

application for certification [includes examination fee]—\$50;

annual renewal of certification—\$15.

Doc. No. 784441

### 400.02.00.010

The Texas State Board of Examiners of Psychologists is proposing to amend Rule 400.02.00.010, which deals with the requirements for psychological associate certification (master's level). The number of semester hours and the number of clock hours of practicum have been increased to insure that applicants have an understanding of the fundamental conceptual and empirical foundations of psychology, a command of the substantive areas relevant to the technological speciality offered in degree programs, and sufficient supervised practicum/experience to assure the public that applicants can perform competently within the circumscribed speciality area.

The members of the board anticipate that this amendment to the rule will have no fiscal implications for state or local governments.

Public comment on proposed amendment of Rule 400.02.00.010 is invited. Persons should submit their comments in writing to Patti Smith, executive secretary, Texas State Board of Examiners of Psychologists, 5555 North Lamar, Building H, Suite 126, Austin, Texas 78751.

This amendment to the rule is proposed under the authority of Article 4512c, Texas Civil Statutes.

*.010. Subdoctoral Certification.* The board requires a master's degree of at least 42 [30] semester credit hours for subdoctoral certification, at least 36 [24] graduate level semester credit hours of which (exclusive of practicum) must have been in psychology. Six semester credit hours of thesis credit may be counted toward these 36 [24] semester credit hours, if the thesis is in psychology. No hours obtained after the master's degree was conferred may be counted. Courses meeting the requirements of this rule must have been taught by at least three different certified psychologists. *Three hundred and fifty* [Three hundred] clock hours of practicum or experience in psychology, supervised by a licensed psychologist, must be completed [before the written examination may be taken].

Doc. No. 784442

## 400.02.00.018

The Texas State Board of Examiners is proposing to amend Rule 400.02.00.018, which describes the degree requirements for certification of psychologists. It was decided to add a statement which clarifies the board's position concerning postdoctoral course work in determining the eligibility of an applicant.

The members of the board anticipate that this amendment will have no fiscal implications for state or local government.

Public comment on proposed amendment of Rule 400.02.00.018 is invited. Persons should submit their comments in writing to Patti Smith, executive secretary, Texas State Board of Examiners of Psychologists, 5555 North Lamar, Building H, Suite 126, Austin, Texas 78751.

This amendment to the rule is proposed under the authority of Article 4512c, Texas Civil Statutes.

*.018. Degree Requirements for Certification of Psychologists.* After July 1, 1979, a doctoral degree based upon a program of studies whose content is "primarily psychological" means a doctoral degree granted from a department of psychology or educational psychology in an accredited institution where the applicant's transcript designates a major in psychology or educational psychology.

After July 1, 1979, the substantial equivalence of a doctoral degree based upon a program of studies whose content is primarily psychological means a doctoral degree based on a minimum of 90 semester hours in psychology in a post-baccalaureate doctoral program which includes the following content areas:

Abnormal psychology	Professional ethics in psychology
Cognitive processes	Psychopharmacology
Comparative psychology	Research design
Developmental psychology	Sensation and perception
History of psychology	Social psychology
Learning	Statistics
Motivation	Theory and systems in psychology
Psychology of personality	
Physiological psychology	

Consideration should be given to the sequence in which the educational processes and training are taken.

Until July 1, 1979, the substantial equivalency of a doctoral degree based upon a program of studies whose content is primarily psychological means a doctoral program in which 70 percent of the course work completed is in psychology. This is a continuation of the board policy which has been in effect throughout 1976.

Any student intending to apply for certification under the substantial equivalency clause after July 1, 1979, must file with the Texas State Board of Examiners of Psychologists an affidavit during his or her first semester of graduate study which sets out the intended program of studies. Any student intending to apply for certification under the substantial equivalency clause before July 1, 1979, must file with the Texas State Board of Examiners of Psychologists an affidavit within six months of the date of publication of this rule in the *Texas Register*, which sets out the program of studies he or she is currently pursuing.

The board will consider postdoctoral course work in determining the eligibility of an applicant when such course work terminates in a doctoral degree that is consistent with this rule.

Doc. No. 784443

## Announcements 400.04.00

The Texas State Board of Examiners of Psychologists is proposing to amend Rule 400.04.00.005, which deals with the Yellow Pages listings under "Psychologists" in telephone directories. The rule is being expanded to address the matter of local professional societies.

The members of the board have stated that this proposed amendment will have no fiscal implications for state or local government.

Public comment on the proposed amendment to Rule 400.04.00.005 is invited. Persons should submit their comments in writing to Patti Smith, executive secretary, Texas State Board of Examiners of Psychologists, 5555 North Lamar, Building H, Suite 126, Austin, Texas 78751.

The amendment to Rule 400.04.00.005 is proposed under the authority of Article 4512c, Texas Civil Statutes.

*.005. Listings in Yellow Pages.* All listings in the Yellow Pages under the title Psychologists *must be by individual name only or by local professional societies whose membership is open to all licensed psychologists in good*



*standing and whose purpose, in the determination of the board, is public service and information and whose request has been received and approved by the board to list their name, address, and telephone number in the Yellow Pages for the purpose of referral to a licensed psychologist [should be by individual name only. Associations and psychological group listings are inappropriate, except as a portion of the address of the individual psychologist].*

Doc. No. 784444

## Renewal 400.06.00

The Texas State Board of Examiners of Psychologists is proposing to amend Rule 400.06.00.001, which deals with renewal notification. The proposed amendment would add the phrase "psychologist's certification, licensure, and/or specialty certification and psychological associate's certification" after the word "whose" in the first sentence. The proposed amendment would allow for the recognition of speciality certifications which must also be renewed on an annual basis. The amendment would also change the annual renewal date for psychological associates from December 31 to May 31 each year.

The members of the board have stated that this proposed amendment is anticipated to have no fiscal implications for state or local government.

Public comment on the proposed amendment to Rule 400.06.00.001 is invited. Persons should submit their comments in writing to Patti Smith, executive secretary, Texas State Board of Examiners of Psychologists, 5555 North Lamar, Building H, Suite 126, Austin, Texas 78751.

The amendment to Rule 400.06.00.001 is proposed under the authority of Article 4512c, Texas Civil Statutes.

*.001. Notification of Renewal. Persons whose [certification or licensure] psychologist's certification, licensure, and/or specialty certification is about to expire shall be notified once by regular mail at least 30 days before December 31, as required by the Psychologists' Certification and Licensing Act, and notified by registered mail if they fail to renew certification [or] and/or licensure and/or specialty certification by December 31. The second notice will not be mailed prior to December 31. Persons whose psychological associate's certification is about to expire shall be notified once by regular mail at least 30 days before May 31, as required by the Psychologists' Certification and Licensing Act, and notified by registered mail if they fail to renew certification by May 31. The second notice will not be mailed prior to May 31.*

Issued in Austin, Texas, June 29, 1978.

Doc. No. 784445      Patti Smith  
Executive Secretary  
Texas State Board of  
Examiners of Psychologists

Proposed Date of Adoption: August 10, 1978

For further information, please call (512) 458-3295.

## Railroad Commission of Texas Transportation Division Rail Planning 051.03.81

The Railroad Commission of Texas is proposing to adopt rules providing for a statement of philosophy, goals, and objectives relating to completion of the State Rail Plan. These rules will also provide a criteria for screening and ranking alternatives to abandonment of rail lines.

The staff of the Transportation Division has determined that the proposed rules will have no fiscal impact on any unit of state or local government.

Public comment on the proposed rules is invited. Comments may be submitted in writing to John G. Soule, Director, Transportation Division, Railroad Commission of Texas, P.O. Box 12967, Austin, Texas 78711. Comments will be received until 30 days after publication of these proposed rules in the *Texas Register*. There will be a hearing to discuss these proposed rules on Tuesday, August 1, 1978, at 10 a.m. in Room 812, E. O. Thompson Building, 10th and Colorado Streets, Austin. The public is invited to participate.

The adoption of these rules is proposed under Article 6445, *et seq.*, and 6252-13a, Texas Revised Civil Statutes.

### .001. Statement of Philosophy.

(a) The philosophy of the State of Texas and the purpose of the United States Congress enunciated in the Railroad Revitalization and Regulatory Reform Act of 1976 as amended, ("4R" Act) are similar:

... to provide the means to rehabilitate and maintain the physical facilities, improve the operations and structure, and restore the financial stability of the railway system of the United States, and to promote the revitalization of such railway system, so that this mode of transportation will remain viable in the private sector of the economy and will be able to provide energy-efficient, ecologically compatible transportation services with greater efficiency, effectiveness, and economy . . . .

(b) The State of Texas is dedicated to the proposition that the role of its rail system is of vital importance to the economic and social life of its citizens. Therefore, the economic strength, social responsiveness, and operational efficiency of the Texas rail system must be enhanced.

(1) The economic strength of the Texas rail system can be enhanced by promoting a sound financial condition among all rail carriers, by bringing all rail carriers into equitable competitive posture *vis-a-vis* other transportation modes, and by encouraging rail carriers to improve management planning and practices—each within the context of a balanced transportation system and a just regulatory climate.

(2) The social responsiveness of the Texas rail system can be enhanced by a renewed sensitivity to the implications of changes in economic, social, and environmental conditions in all communities—urban and rural—throughout the state and by renewed efforts to maximize the public health, safety, and welfare in all system practices.

(3) The operational efficiencies of the Texas rail system can be enhanced by a variety of measures to upgrade the physical plant, conserve energy, and streamline service.

(c) In designating the Railroad Commission of Texas as the agency responsible for the Texas Rail Plan, the state recognizes the necessity for developing in-house planning staff capabilities in an organization whose responsibilities have heretofore been primarily regulatory. The state views the addition of a broad rail planning capability to the commission as a valuable asset to assist the commission in arriving at various regulatory judgments within the context of its long-range system development goals.

(d) The State of Texas recognizes that the full potential of its rail system cannot be realized immediately. It cannot be realized without the cooperation and participation of a diversity of economic, social, and environmental interest groups in the public and private sectors. It cannot be realized in a climate which stifles enterprise, innovation, and imaginative new approaches to old problems. It cannot be realized without thoughtful, advanced planning.

(e) Rail system problems generally have persisted and intensified, not entirely because of technological advances in competitive modes. In part—and often of necessity—solutions have been sought through short-term, piecemeal, reactive responses and ill-defined priorities, when the real need was for comprehensive, anticipatory long-range planning. The means are now at hand through the "4R" Act to begin the needed planning. The State of Texas subscribes to the principles, standards, and procedures for initiating this planning process and the legislative intent which is its underlying rationale.

**.002. Statement of Goals.** Goals relating directly to rail planning are as follow:

(a) to promote the development of rail transportation within the context of a balanced transportation system for all modes of transportation within the state;

(b) to preserve the private ownership of railroads operating within the state;

(c) to ensure that railroads attain their full potential in meeting the social, economic, environmental, and energy needs of the state;

(d) to minimize any adverse consequences on communities which might result through rail abandonments; and

(e) to promote improved railroad safety.

**.003. Statement of Objectives and Policies.** Policies are characterized as the set of intentions which, if accomplished, will result in the achievement of goals. The policies adopted by the commission are as follow:

(a) to conduct objective analyses of current and future rail needs of Texas and to translate these into long- and short-term operating and service objectives to be met by the railroad system;

(b) to develop the facts and professional skills necessary to determine the commission's position with respect to each potential abandonment and what action it should take, if any;

(c) to explore all available alternatives which might mitigate any serious negative impacts of abandonment, including:

(1) capital assistance to make abandonment unnecessary;

(2) financial assistance to shippers in purchasing the line;

(3) capital assistance to facilitate shipper conversion to nonrail modes;

(4) rail banking of facilities for future rail or other public use; and

(5) shipper relocation assistance;

(d) to evaluate all lines that are now or might be proposed by the railroads for abandonment in order to determine the probable social, economic, energy, and environmental impact on affected communities and regions if abandonment is approved;

(e) to ensure that whenever a specific rail line is unprofitable, the commission will take all reasonable steps to improve the viability of that line before any form of financial assistance is considered;

(f) to ensure the involvement of the public in the rail planning process;

(g) to facilitate and promote cooperation with other states and the federal government in rail planning;

(h) to institute an early warning system to identify and then to monitor the viability of any light density line segment to ensure the availability of information necessary to support actions consistent with previously stated goals.

(i) to seek appropriate state legislation, if necessary, to accomplish these goals and objectives.

**.004. Criteria for Screening and Ranking Alternatives to Abandonment.**

(a) Once a rail line segment has been approved for abandonment by the ICC, a number of alternatives involving federal funds are available to the state to lessen adverse economic and community impacts. Criteria are needed by the state to decide whether or not public funds should be expended and, if so, how any given project ranks in relation to all other potential projects in the state. This ranking is necessary where presumably there will be more projects than funds to undertake them.

(b) To determine whether or not consideration should be given to offering publicly funded financial assistance, the commission will utilize the technique of benefit/cost analysis. Ranking of projects for which the benefit to be derived exceeds the cost of assistance will be based on a variety of factors, including the following:

(1) effect on employment;

(2) private and public sector income considerations;

(3) private and public sector direct and indirect costs;

(4) effect on the environment;

(5) energy considerations;

(6) local opposition to the abandonment;

(7) distance to nearest rail facility; and

(8) availability of suitable alternative modes of transportation.

Issued in Austin, Texas, on July 5, 1978.

Doc. No. 784470

John G. Soule, Director  
Transportation Division  
Railroad Commission of Texas

Proposed Date of Adoption: August 11, 1978

For further information, please call (512) 475-4738.

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

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 chapter of rules to which the rule belongs. The third unit (two digits) indicates the subchapter of rules, if any, within the chapter. The fourth unit (three digits) indicates the individual rule.

## Texas Department of Health

### Nursing and Convalescent Homes

#### Minimum Licensing Standards for Nursing Homes 301.54.02

The Texas Department of Health has adopted the proposed amendments to Rules 301.54.02.002, .006, .008, and .010, *Minimum Licensing Standards for Nursing Homes*, published in the January 6, 1978, issue of the *Texas Register* (3 TexReg 36), with several changes as a result of written comments submitted to the department and testimony received at a public hearing. The major comments and the department's responses to them are as follows:

(1) It was proposed that more explicit language be used regarding the staff physician maintaining controlled drugs in the emergency drug kit in Rule .010(f). The department reworded this section to clarify the language and deleted the method for physicians to maintain controlled drugs in the standard because such methods are promulgated by other state and federal agencies and would be subject to change in which the department would have no control.

(2) The transferring of medications between containers (Rule .010)(a)(4) was proposed to be amended with reference to the regulations of the Board of Pharmacy. The department agreed to this proposal and reworded the sections to reflect that a physician or pharmacist may transfer medications between containers in accordance with regulations set forth by the Board of Pharmacy.

(3) A comment indicated that the rules required a double locking system for external medications in Rule .010(a)(8). The department changed the wording to reflect that separation from internal medications was intended, and not a double locking system.

(4) Comments were received that clarification of the general use of "facility pharmacist" should be made as used

throughout the rules. The department did not agree that further clarification was needed.

(5) Comments were received that medications shall be ordered at least 24 hours prior to the administration of the last available dose in Rule .010(b)(2) should be extended in time. The department agreed that additional time may be needed for the ordering of medications from a pharmacy. The time was changed to 72 hours in advance.

(6) Three comments were made regarding the proposal that the service of a pharmacist shall be contracted for not less than four hours per month in Rule .010(h)(3). The department agreed with the comments that the number of facility residents were not considered in such specific number of hours. The section was rewritten and the specific number of hours were based upon the number of patients/residents in a facility, the licensure classification of the facility, and whether the facility has a single-level or multilevel classification. The department determined the facility administrator would be responsible for the consultative requirements being met from the standpoint of the pharmacist's time spent in the facility and the quality of services rendered.

(7) Stop-order policies for antibiotics are proposed for five days. Comment received suggested that the policy be extended to at least 14 days. The department did not change the stop-order policy because if the antibiotic is noneffective (not working) within five days, the physician needs to be informed by the facility's licensed nurse, and alternative treatment may be ordered. Cold and cough preparations were increased to two weeks to be consistent with the physician's usual prescribing regimen.

(8) Comment was offered that the resident's unlimited freedom to choose physician and pharmacy may be too restrictive in Rule .010(g). The department agreed with these comments and rewrote the section. The word "unlimited" was deleted. The rewritten proposal gives the facility an exception whereby if such choice places the facility in noncompliance with facility regulations, the facility would not be in violation of this regulation.

(9) Two comments were received requesting the directions for the use be deleted from the labeling requirements for medication containers in Rule .010(a)(3). The department cannot accept such request as the Texas Dangerous Drug Law requires pharmacists to indicate the directions for use on all prescriptions dispensed.

(10) Comment was received regarding the storage of Schedule II drugs under double lock in Rule .010(a)(6). The comment stated facilities should be allowed to double lock Schedules III and IV drugs together with Schedule II. The department has reworded the section to reflect this comment and has allowed the facility to double lock any medication the facility deems necessary for appropriate control purposes.

(11) Comment was received as to the definition of a physician in Rule .002(b). The department has defined physician in accordance with Texas statutes.

(12) Comments were received regarding the facility pharmacist shall review the drug regimen of each patient at least monthly. The department has added one additional paragraph. The paragraph explains that the patient's monthly drug regimen review shall not limit or restrict physi-

cians from prescribing any drug regimen in the treatment of their nursing facility patients.

(13) Comment was received for clarification of the definition of a legend drug in Rule .002(l). The department has rewritten the definition to be appropriate to nursing facilities and consistent with the applicable federal and state regulations.

(14) There was comment made regarding the pharmacist's written report for each visit to the facility. The department has clarified the language to indicate the report is necessary when the pharmacist visits the facility for the purpose of ascertaining the status of pharmaceutical services.

Several other minor changes were made to the proposed rules for purpose of clarification, such as rewording, and the addition or deletion of specific words.

These amendments are being adopted pursuant to Article 4442c, Vernon's Texas Revised Civil Statutes.

#### .002. Definitions for the Purpose of These Standards.

(b) Physician is a practitioner licensed by the Texas State Board of Medical Examiners engaged in active practice of medicine.

(j) Drug and medication mean:

(1) any substance recognized as a drug in the official *United States Pharmacopoeia*, official *Homeopathic Pharmacopoeia of the United States*, or official *National Formulary*, or any supplement to any of them;

(2) any substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man;

(3) any substance (other than food) intended to affect the structure or any function of the body of man; and

(4) any substance intended for use as a component of any substance specified in .002(j)(1), (2), and (3). It does not include devices or their components, parts, or accessories.

(k) Dangerous drug means any drug as defined in Article 4476-14, Section 2, Texas Dangerous Drug Act, Texas Civil Statutes, or as amended.

(l) Legend drug or prescription drug shall include all dangerous drugs and controlled drugs and requires a written order, and in cases of emergency, a telephonic order by a practitioner before dispensing by a pharmacist for a particular patient, or shall be delivered to a particular patient by a practitioner in the course of the practitioner's practice.

(m) Controlled substance means a drug, substance, or immediate precursor as defined in the Texas Controlled Substance Act, Article 4476-15, Section 1.02(5), Texas Civil Statutes, or as amended, and/or the Federal Controlled Substance Act of 1970, Public Law 91-513.

(n) A poison is any substance that federal or state regulation requires the manufacturer to label as a poison and is to be used externally by the consumer from the original manufacturer's container. Drugs to be taken internally which contain the manufacturer's poison label but are dispensed by a pharmacist only by or on the prescription order of a physician are not considered a poison unless regulations specifically require poison labeling by the pharmacist.

(o) Medication aide is a person who has successfully completed the state-approved training program in medication administration. The Texas Department of Health is the approval authority. After successful completion of the train-

ing, a medication aide may perform only the following functions:

(1) may, after authorization by the facility's licensed nurse or the resident's treating physician, administer PRN medications;

(2) may observe for and report to the facility's charge licensed nurse reactions and side-effects of medications commonly administered to nursing facilities residents;

(3) may take and record vital signs prior to administration of medications which could affect or change the vital signs;

(4) may administer and document regularly prescribed medications which the medication aide is permitted to administer only after personally preparing (setting up) of those medications to be administered and documented;

(5) may administer oxygen per nasal canula or a non-sealing face mask only in an emergency when no licensed nursing staff is on duty.

(p) Practices or acts prohibited by nonlicensed nursing personnel (medication aides) after completing the state-approved training program in medication administration:

(1) may not administer medications by the injection route:

(A) intramuscular route;

(B) intravenous route;

(C) subcutaneous route;

(D) intradermal route;

(E) hypodermoclysis route;

(2) may not administer medications used for intermittent positive pressure breathing (IPPB) treatments or other methods involving medication inhalation treatments;

(3) may not administer PRN medications unless authorization is obtained from the facility's licensed nurse or the resident's treating physician;

(A) nonlicensed nursing personnel (medication aides) must document in nurses notes symptoms indicated for the need of the medication and the time the symptoms occurred;

(B) nonlicensed nursing personnel (medication aides) must document in nurses notes that the facility's licensed nurse or the treating physician was contacted, symptoms were described, permission was granted to administer the medication, and the time of contact;

(i) permission to grant the administration of medications shall be on an individual basis;

(ii) permission to grant the administration of medications shall not be given prior to the time the symptoms occurred;

(C) the administration of the authorized PRN medication must be correctly documented;

(D) the facility's licensed nurse giving permission for administration of the PRN medication shall co-sign the nurse's notes on the next tour of duty, or if on-duty in the facility, by the end of that shift;

(4) may not administer the initial dose of a medication that has not been previously administered to the resident;

(5) may not administer medication doses that involve any calculation of dosage strength and/or alteration of the originally dispensed dose except the measure of a prescribed amount of liquid medication and the crushing of medications;

(6) may not crush medications unless the initial prior authorization is obtained from the facility's licensed nurse;

(A) the licensed nurse shall document initially the authorization for the medication aide to crush medications on the appropriate medication record from which medications are administered;

(7) may not administer medications by way of the naso-gastric tube;

(8) may not receive or assume responsibility for reducing to writing, verbal or telephone orders from a physician;

(9) may not order residents' medications from a pharmacy;

(10) may not administer any medications that involve the treatment of the skin requiring aseptic techniques.

(q) Medication aides must function in accordance with accepted pharmaceutical and nursing practices, and as set forth in these standards.

(r) Facility is a building consisting of one or more floors or one or more units, or may be a distinct part of a licensed hospital and is licensed as a nursing home by the Texas Department of Health.

#### .006. Personnel.

(9) Medication aides as described in .002(o) and (p) shall function under the direct responsibility and/or supervision of the facility's licensed nurse on duty or on call, and ultimately under the responsibility of the director of nurses or the health service supervisor and administrator of the facility.

#### .008. Emergency Medical Care.

##### .010. Routine Medications.

(a) Procedures concerning drugs and medications.

(1) A patient in a nursing home shall not be administered any medication except on written or verbal orders of a physician.

(2) All drugs shall be prescribed by a physician for an individual patient. Bulk dangerous and/or controlled drugs shall not be maintained in the nursing home except as outlined in .010(b), Emergency Drug and Equipment Tray.

(3) The label of each patient's individual drug container shall be completed in accordance with all federal and state statutes. There shall be affixed to the immediate container in which said drug is delivered a label which clearly indicates the patient's full name, the prescribing physician's name, prescription number, name and strength of the drug, amount dispensed, date of issue, expiration date of all time-dated drugs, the name, address, and telephone number of pharmacy issuing the drug, and directions for use.

(A) The dispensing pharmacy will place the small multiple-dose drug container into another container upon which the pharmacy's regular label, properly completed, is affixed. In addition, multiple-dose containers of drugs which are too small for a regular prescription label to be affixed will have a strip label attached which contains the name of the patient and the prescription number. Should the two containers become separated, then the small drug container will still have patient identification.

(4) The medications of each patient are kept and stored in their originally received containers. Transferring between containers is a dispensing function and shall be done in accordance with the Texas drug laws, and regulations set forth by the State Board of Medical Examiners and State Board of Pharmacy.

(5) The director of nurses or the charge licensed nurse shall call the issuing pharmacist and/or facility pharmacist and report any errors suspected or found in medicine labeling. All other errors in pharmaceutical services shall be reported to the facility pharmacist.

(6) Separately locked, permanently affixed compartments within the medicine storage area shall be provided for storage of Schedule II drugs of the Controlled Substances Act, and for other controlled or dangerous drugs as deemed necessary by the facility.

(7) Medications requiring refrigeration must be stored in the medication storage area refrigerator, used only for medicine storage, supplemental feedings, and substances specifically ordered by the patient's physician that require refrigeration. The medications shall be kept in a separate, permanently affixed, locked medication storage compartment in a refrigerator at or near the nursing station, if the refrigerator is located outside the locked medication storage area.

(8) Medications for external use only are kept in the locked medication storage area in compartments or cabinets and are kept separate from internal medications.

(9) Poisons are stored in a locked compartment or cabinet and are kept separate from all internal and external medications.

(10) Medications which have been discontinued by order of the physician and/or medications of deceased residents and/or medications which have passed an expiration date shall be kept under separate lock and key, and are kept separate from those medications currently in use. Medications shall be disposed of in accordance with regulations set forth by the State Board of Pharmacy.

(11) Medications are released to patients only on the written or verbal authorization of the attending physician.

(b) Order procedure.

(1) All medications must be ordered in writing by the patient's physician. Verbal orders may be taken from a physician only by a licensed nurse, pharmacist, or another physician. This order is immediately reduced to writing, signed by the appropriate individual, and countersigned by the physician within 72 hours.

(2) To maintain the continuity of the patient's therapeutic regimen, medication shall be ordered by calling the issuing pharmacy at least 72 hours prior to the administration of the last available dose.

(3) The facility pharmacist shall review the drug regimen of each patient at least monthly and submit written reports of any irregularities to the director of nurses or health service supervisor and administrator. Separate and individual records for each patient shall be maintained to indicate irregularities, date of drug regimen review, and signature of facility pharmacist completing the drug regimen review.

(A) The monthly drug regimen shall not limit or restrict physicians from prescribing any drug regimen in the treatment of their nursing facility patients.

(4) If a specific amount of medication or the time for discontinuance is not specified, the stop order procedure as detailed in this section will apply.

(c) Administration of medication.

(1) Drugs and biologicals are administered only by physicians, licensed nursing personnel, or by nonlicensed personnel who have completed the state-approved training program in medication administration under the conditions

outlined in .002(o) and (p). It shall be the duty of the person responsible for administering the medication to ascertain that the medication is in fact taken by the patient.

(2) The medication preparation area must have readily available items necessary for the proper administration of all medications.

(3) The person who prepares the medication dose shall administer the dose and properly record the medication administered in the appropriate clinical record, including dosage, strength, and method of administration.

(4) Medications prescribed and labeled for one patient are not administered to any other patient.

(5) Self-administration of medications by patients is not permitted except for emergency drugs on special order of the patient's physician, or in a pre-discharge type program under the supervision of a licensed nurse.

(6) Medication errors and drug reactions are immediately reported to the patient's physician. An entry of the incident and the subsequent report is made in the patient's medical record. The facility pharmacist shall be notified of drug reactions during the next visit to the facility after the occurrence of the drug reaction.

(d) Drugs covered by the Controlled Substances Act.

(1) A separate record must be maintained for each drug covered by Schedules II, III, and IV of the Controlled Substances Act.

(2) The record for each drug must contain the following information: prescription number; name and strength of drug; date received by facility; date and time administered; name of patient; dose; physician's name; signature of person administering dose; and original amount dispensed with balance verifiable by drug inventory. Schedule II drugs balances shall be verified by inventory every eight hours (each shift change). Schedule III and IV drugs balances shall be verified by inventory at least once a week.

(3) Schedule V drugs shall be excluded from the requirements in .018(d)(1) and (2).

(e) All medication orders which do not specifically indicate the number of doses or length of time to be administered are automatically stopped after a given time period as shown below.

### Stop Order Policy

#### Drug Type

#### Stop Order

Analgesic, non-narcotic and narcotic -----	2 weeks
Antianemia Drugs -----	1 month
Antibacterials -----	2 weeks
Antibiotics -----	5 days
Anticoagulants -----	1 month
Anti-Emetics -----	3 days
Antihistamines -----	1 month
Antineoplastics -----	1 week
Barbiturates -----	1 month
Cardiovascular Drugs -----	1 month
Cold Preparations -----	2 weeks
Cough Preparations -----	2 weeks
Dermatologicals -----	1 week
Diuretics -----	1 month
Hormones -----	1 month
Hypnotics and Sedatives -----	1 month
Laxatives -----	1 month
Psychotherapeutic Agents -----	1 month
Spasmolytics -----	2 weeks
Vitamins -----	3 months

(f) **Emergency drug and equipment tray.** The staff physician may keep his stock of inventoried emergency dangerous drugs (medication) in the locked medication storage area in a sealed box or container with his name on it. It is then his privilege to order a dose from his medication container for his patient to be administered by the licensed nurse on duty. The staff physician may authorize, in writing, other physicians to use from or order the licensed nurse on duty to administer from his emergency drug kit.

(g) Each resident of the nursing home, his legal guardian, or a responsible party shall have the right to choose and change the physician or pharmacy of such resident at any time, and the nursing home shall not interfere with or limit such right, except when such choice of physician or pharmacy creates a noncompliance situation for the facility regarding federal, state, or local laws and regulations. Such changes shall be recorded on the admission record and all other appropriate forms maintained by the nursing home.

(h) **Pharmaceutical services.**

(1) A nursing home which maintains an on-premise licensed pharmacy shall employ a registered pharmacist, in good standing, to practice the profession of pharmacy. The pharmacy and pharmacist shall operate in complete accordance and compliance with laws and regulations promulgated by regulatory agencies having responsibilities for dangerous and controlled drugs.

(2) A nursing home which does not maintain an on-premise licensed pharmacy shall obtain drugs and medications from community pharmacies and/or dispensing physicians.

(3) The nondispensing services of a pharmacist shall be contracted for the purpose of ascertaining the status of pharmaceutical services within the facility. The responsibilities, functions, objectives, the terms of agreement and/or other fees paid the facility pharmacist, and number of hours per month the pharmacist shall devote to pharmaceutical services in the facility shall be delineated in writing and signed by an authorized representative of the facility and the pharmacist. The number of hours per month the pharmacist devotes to pharmaceutical services in the facility to assess the facility's pharmaceutical services for the ordering, storage, administration, disposal, and record keeping (documentation) of drugs and medications shall be not less than:

(A) **Single-level facility (nursing home)**

60 patients or less .....	4 hours
61 to 150 patients.....	5 hours
151 patients and over .....	6 hours

(B) **Multilevel facility (nursing home and custodial care home.** In calculating the minimum number of hours per month the pharmacist shall devote to nondispensing pharmaceutical services, the above (A) criteria of the levels of licensure will prevail and shall be applied to the entire facility. For example: in a 120-bed facility, licensed for 60 nursing homes beds and 60 custodial care home beds, the nursing home criteria shall be applied to the entire 120 beds listed under the single-level facility (A) for a minimum of five hours. In defining the number of patients/residents in a facility for the purpose of determining the required monthly hours by the pharmacist, the total number of patient days at

the end of the prior month shall be divided by actual days in that month. The required pharmacist's hours based on the formula would apply to the following month. The nursing home administrator shall be responsible for the pharmacist requirements being met from the standpoint of time spent in the facility and quality of services rendered.

(4) For each nondispensing visit to the facility for the purpose of ascertaining the status of pharmaceutical services, the facility pharmacist shall furnish a written report to the facility administrator of the resultant problems found in the obtaining, storing, administering, disposal, and record keeping of drugs and medications.

(5) The facility pharmacist along with the facility administrator, director of nurses or health service supervisor, and staff physician shall develop written pharmaceutical service policies and procedures appropriate for the facility.

Doc. No. 784427

**Minimum Licensing Standards for Custodial Care Homes 301.54.03**

The Texas Department of Health has adopted the proposed amendments to Rules 301.54.03.002, .005, .006, .008, and .009, Minimum Licensing Standards for Custodial Care Homes, published in the January 6, 1978, issue of the *Texas Register*, (3 TexReg 40), with several changes as a result of written comments submitted to the department and testimony received at a public hearing. The major comments and the department's responses to them are as follows:

(1) It was proposed that the transferring of medications between containers (Rule .009(a)(6)) be amended to reference within the regulations of the Board of Pharmacy. The department agreed to this proposal and reworded the sections to reflect that a physician or pharmacist may transfer medications between containers in accordance with regulations set forth by the Board of Pharmacy.

(2) A comment indicated that the rules required a double locking system for external medications in Rule .009(a)(10). The department changed the wording to reflect that separation from internal medications was intended, and not a double locking system.

(3) Comments were received that clarification of the general use of "facility pharmacist" should be made as used throughout the Custodial Care Home sections. The department did not agree that further clarification was needed.

(4) Comments were received that medications shall be ordered at least 24 hours prior to the administration of the last available dose in Rule .009(b)(2) should be extended in time. The department agreed that additional time may be needed for the ordering of medications from a pharmacy. The time was changed to 72 hours in advance.

(5) Three comments were made regarding the proposal that the service of a pharmacist shall be contracted for not less than four hours per month in Rule .009(f)(3). The department agreed with the comments in that the number of facility residents was not considered in such specific number of hours. The section was rewritten and the specific number

of hours was based upon the number of patients/residents in a facility, the licensure classification of the facility, and whether the facility has a single-level or multi-level classification. The department determined the facility administrator would be responsible for the consultative requirements being met from the standpoint of the pharmacist's time spent in the facility and the quality of services rendered.

(6) Stop-order policies for antibiotics are proposed for five days. Comment received suggested that the policy be extended to at least 14 days. The department did not change the stop-order policy because if the antibiotic is noneffective (not working) within five days, the physician needs to be informed by the facility's licensed nurse, and alternative treatment may be ordered. Cold and cough preparations were increased to two weeks to be consistent with the physician's usual prescribing regimen.

(7) Comment was offered that the resident's unlimited freedom to choose physician and pharmacy may be too restrictive in Rule .008(e). The department agreed with these comments and rewrote the sections. The word "unlimited" was deleted. The rewritten proposal gives the facility an exception whereby if such choice places the facility in noncompliance with facility regulations, the facility would not be in violation of this regulation.

(8) Two comments were received requesting the directions for the use be deleted from the labeling requirements for medication containers in Rule .009(a)(5). The department cannot accept such request as the Texas Dangerous Drug Law requires pharmacists to indicate the directions for use on all prescriptions dispensed.

(9) Comment was received regarding the storage of Schedule II drugs under double lock in Rule .009(8). The comment stated facilities should be allowed to double lock Schedules III and IV drugs together with Schedule II. The department has reworded the section to reflect this comment and has allowed the facility to double lock any medication the facility deems necessary for appropriate control purposes.

(10) Comment was received as to the definition of a physician in Rule .002(b). The department has defined physician in accordance with Texas statutes.

(11) Comments were received regarding the facility pharmacist shall review the drug regimen of each patient at least monthly in Rule .009(b)(3). The department has determined the pharmacist shall review the drug regimen of each patient at least monthly. The department has added one additional paragraph. The paragraph explains that the patient's monthly drug regimen review shall not limit or restrict physicians from prescribing any drug regimen in the treatment of their nursing facility patients.

(12) Comment was received for clarification of the definition of a legend drug in Rule .002(j). The department has rewritten the definition to be appropriate to nursing facilities and consistent with the applicable federal and state regulations.

(13) There was comment made regarding the pharmacist's written report for each visit to the facility. The department has clarified the language to indicate the report is necessary when the pharmacist visits the facility for the

purpose of ascertaining the status of pharmaceutical services.

Several other minor changes were made to the proposed rules for purpose of clarification, such as rewording, and the addition or deletion of specific words.

These amendments are being adopted pursuant to Article 4442c, Vernon's Texas Revised Civil Statutes.

#### .002. Definitions for the Purpose of These Standards.

(b) Physician is a practitioner licensed by the Texas State Board of Medical Examiners engaged in active practice of medicine.

(h) Drug or medication means:

(1) any substance recognized as a drug in the official *United States Pharmacopoeia*, official *Homeopathic Pharmacopoeia of the United States*, or official *National Formulary*, or any supplement to any of them;

(2) any substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man;

(3) any substance (other than food) intended to affect the structure or any function of the body of man;

(4) any substance intended for use as a component of any substance specified in .002(h)(1), (2), and (3). It does not include devices or their components, parts, or accessories.

(i) Dangerous drug means any drug as defined in Article 4476-14, Section 2, Texas Dangerous Drug Act, Texas Civil Statutes, or as amended.

(j) Legend drug or prescription drug shall include all dangerous drugs and controlled drugs and requires a written order, and in cases of emergency, a telephonic order by a practitioner before dispensing by a pharmacist for a particular patient, or shall be delivered to a particular patient by a practitioner in the course of the practitioner's practice.

(k) Controlled substance means a drug, substance, or immediate precursor as defined in the Texas Controlled Substance Act, Article 4476-15, Section 1.02(5), Texas Civil Statutes, or as amended, and/or the Federal Controlled Substance Act of 1970, Public Law 91-513.

(l) A poison is any substance that federal or state regulation requires the manufacturer to label as a poison and is to be used externally by the consumer from the original manufacturer's container. Drugs to be taken internally which contain the manufacturer's poison label but are dispensed by a pharmacist only by or on the prescription order of a physician are not considered a poison unless regulations specifically require labeling by the pharmacist.

(m) Medication aide is a person who has successfully completed the state-approved training program in medication administration. The Texas Department of Health is the approval authority. After successful completion of the training, a medication aide may perform only the following medication functions:

(1) may, after authorization by the facility's licensed nurse or the resident's treating physician, administer PRN medications;

(2) may observe for and report to the facility's charge licensed nurse reactions and side-effects of medications commonly administered to nursing facilities residents;

(3) may take and record vital signs prior to administration of medications which could affect or change the vital signs;

(4) may administer and document regularly prescribed medications which the medication aide is permit-



ted to administer only after personally preparing (setting up) of those medications to be administered and documented;

(5) may administer oxygen per nasal canula or a non-sealing face mask only in an emergency when no licensed nursing staff is on duty.

(n) Practices or acts prohibited by nonlicensed nursing personnel (medication aides) after completing the state-approved training program in medication administration:

(1) may not administer medications by the injection route:

- (A) intramuscular route;
- (B) intravenous route;
- (C) subcutaneous route;
- (D) intradermal route;
- (E) hypodermoclysis route;

(2) may not administer medications used for intermittent positive pressure breathing (IPPB) treatments or other methods involving medication inhalation treatments;

(3) may not administer PRN medications unless authorization is obtained from the facility's licensed nurse or the resident's treating physician;

(A) nonlicensed nursing personnel (medication aides) must document in nurses notes symptoms indicated for the need of the medication and the time the symptoms occurred;

(B) nonlicensed nursing personnel (medication aides) must document in nurses notes that the facility's licensed nurse or the treating physician was contacted, symptoms were described, permission was granted to administer the medication, and the time of contact;

(i) permission to grant the administration of medications shall be on an individual basis;

(ii) permission to grant the administration of medications shall not be given prior to the time the symptoms occurred;

(C) the administration of the authorized PRN medication must be correctly documented;

(D) the facility's licensed nurse giving permission for administration of the PRN medication shall co-sign the nurse's notes on the next tour of duty, or if on-duty in the facility, by the end of that shift;

(4) may not administer the initial dose of a medication that has not been previously administered to the resident;

(5) may not administer medication doses that involve any calculation of dosage strength and/or alteration of the originally dispensed dose except the measure of a prescribed amount of liquid medication and the crushing of medications;

(6) may not crush medications unless the initial prior authorization is obtained from the facility's licensed nurse;

(A) the licensed nurse shall document initially the authorization for the medication aide to crush medications on the appropriate medication record from which medications are administered;

(7) may not administer medications by way of the naso-gastric tube;

(8) may not receive or assume responsibility for reducing to writing, verbal or telephone orders from a physician;

(9) may not order residents' medications from a pharmacy;

(10) may not administer any medications that involve the treatment of the skin requiring aseptic techniques.

#### .005. Physical Plant.

(f) Attendant service unit.

(1) For those residents requiring supervision of routine medications, there shall be a lockable enclosed medication storage area, including a refrigerator if necessary, sufficient to meet the needs of the facility. The clean utility area described in .005(f)(3) may be used for the medication preparation area, if necessary.

#### .006. Personnel.

(d) Staffing.

(4) Medication aides administering medications to those residents needing this service must function in accordance with accepted pharmaceutical and nursing practices, and as set forth in these standards. Medication aides as described in .002(m) and (n) shall function under the direct responsibility and/or supervision of the facility's licensed nurse on duty or on call, and ultimately under the responsibility of the director of nurses or health service supervisor and the administrator of the facility.

#### .008. Emergency Medical Care.

(b) In the event of an acute illness or accident requiring medical and/or nursing care beyond the capabilities of a home providing custodial care, the resident shall be transferred on orders of a physician to a facility, such as a skilled nursing home or hospital, where needed services and facilities are available; providing, however, until said transfer is made, the personnel shall have authority to carry out emergency procedures as prescribed by the resident's physician. In the case of an emergency illness which does not necessitate transfer of the resident from the custodial care home and medications are administered to the resident, the licensed nurse, or medication aide if a licensed nurse is not on duty, shall keep a documented and signed record of administration of medications and vital signs. In the event the resident is self-administering medications during an emergency illness which does not necessitate transfer of the resident from the custodial care home, and a licensed nurse or medication aide is not required, the attendant in charge shall monitor and record the resident's self-administration of medications. The attendant in charge shall keep documented and signed records of the resident's vital signs. All information shall be immediately available to the resident's physician.

(e) Each resident of a custodial care home, his legal guardian, or a responsible party shall have the right to choose and change the physician or pharmacy of such resident at any time, and the custodial care home shall not interfere with or limit such right, except when such choice of physician or pharmacy creates a noncompliance situation for the facility regarding federal, state, or local laws and regulations. Such changes shall be recorded on the admission record and all other appropriate forms maintained by the custodial care home.

#### .009. Routine Medications.

(a) Procedures concerning drugs and medications.

(1) When it becomes necessary to administer routine medications, the custodial care home must establish written policies and procedures to assure the residents that medications are administered in accordance with all appropriate laws and regulations. Under no circumstances shall the custodial care home endeavor to administer medications or services which would require continuing attention by licensed nurses or other paramedical personnel.

(2) A resident in a custodial care home shall not be administered any medicine except on written or verbal orders of a physician.

(3) All drugs shall be prescribed by a physician for an individual resident.

(4) Bulk dangerous and/or controlled drugs shall not be maintained in the custodial care home.

(5) The label of each resident's individual drug container shall be completed in accordance with all federal and state statutes. There shall be affixed to the immediate container in which said drug is delivered a label which clearly indicates the resident's full name, the prescribing physician's name, prescription number, name and strength of the drug, amount dispensed, date of issue, expiration date of all time-dated drugs, the name, address, and telephone number of pharmacy issuing the drug, and directions for use.

(A) The dispensing pharmacy will place the small multiple-dose drug container into another container upon which the pharmacy's regular label, properly completed, is affixed. In addition, multiple-dose containers of drugs which are too small for a regular prescription label to be affixed will have a strip label attached which contains the name of the patient and the prescription number. Should the two containers become separated, then the small drug container will still have patient identification.

(6) The medications of each patient are kept and stored in their originally received containers. Transferring between containers is a dispensing function and shall be done in accordance with the Texas drug laws, and regulations set forth by the State Board of Medical Examiners and State Board of Pharmacy.

(7) The licensed nurse, the charge medication aide, or the charge attendant shall call the issuing pharmacist and/or facility pharmacist and report any errors suspected or found in medicine labeling. All other errors in pharmaceutical services shall be reported to the facility pharmacist.

(8) Separately locked, permanently affixed compartments within the medicine storage area shall be provided for storage of Schedule II drugs of the Controlled Substances Act, and for other controlled or dangerous drugs as deemed necessary by the facility.

(9) Medications requiring refrigeration must be stored in the medication storage area refrigerator, used only for medicine storage, supplemental feedings, and substances specifically ordered by the resident's physician that require refrigeration. The medications shall be kept in a separate, permanently affixed, locked medication storage compartment in a refrigerator at or near the nursing station, if the

refrigerator is located outside the locked medication storage area.

(10) Medications for external use only are kept in the locked medication storage area in compartments or cabinets and are kept separate from internal medications.

(11) Poisons are stored in a locked compartment or cabinet and are kept separate from all internal and external medications.

(12) Medications which have been discontinued by order of the physician and/or medications of deceased residents and/or medications which have passed an expiration date shall be kept under separate lock and key and are kept separate from those medications currently in use. Medications shall be disposed of in accordance with regulations set forth by the State Board of Pharmacy.

(13) Medications are released to residents only on the written or verbal authorization of the attending physician.

(b) Order procedure.

(1) All medications must be ordered in writing by the resident's physician. Verbal orders may be taken from a physician only by a licensed nurse, pharmacist, or another physician. This order is immediately reduced to writing, signed by the appropriate individual, and countersigned by the physician within 72 hours.

(2) To maintain the continuity of the resident's therapeutic regimen, medication shall be ordered by calling the issuing pharmacy at least 72 hours prior to the administration of the last available dose.

(3) The facility pharmacist shall review the drug regimen of each patient at least monthly and submit written reports of any irregularities to the director of nurses or health service supervisor and administrator. Separate and individual records for each patient shall be maintained to indicate irregularities, date of drug regimen review, and signature of facility pharmacist completing the drug regimen review.

(A) The monthly drug regimen shall not limit or restrict physicians from prescribing any drug regimen in the treatment of their nursing facility patients.

(4) If a specific amount of medication or the time for discontinuance is not specified, the stop-order procedure will apply.

(5) All medication orders which do not specifically indicate the number of doses or length of time to be administered are automatically stopped after a given time period as shown below.

### STOP ORDER POLICY

DRUG TYPE

STOP ORDER

Analgesic, non-narcotic and narcotic -----	2 weeks
Antianemia drugs -----	1 month
Antibacterials -----	2 weeks
Antibiotics -----	5 days
Anticoagulants -----	1 month
Anti-emetics -----	3 days

Antihistamines -----	1 month
Antineoplastics -----	1 week
Barbiturates -----	1 month
Cardiovascular drugs -----	1 month
Cold preparations -----	2 weeks
Cough preparations -----	2 weeks
Dermatologicals -----	1 week
Diuretics -----	1 month
Hormones -----	1 month
Hypnotics and sedatives -----	1 month
Laxatives -----	1 month
Psychotherapeutic Agents -----	1 month
Spasmolytics -----	2 weeks
Vitamins -----	3 months

(c) Administration of medication.

(1) Drugs and biologicals are administered only by physicians, licensed nursing personnel, or by nonlicensed personnel who have completed the state-approved training program in medication administration under the conditions outlined in .002(m) and (n). It shall be the duty of the person responsible for administering the medication to ascertain that the medication is in fact taken by the resident.

(2) The medication preparation area must have readily available items necessary for the proper administration of all medications.

(3) The person who prepares the medication dose shall administer the dose and properly record the medication administered in the appropriate clinical record, including dosage, strength, and method of administration.

(4) Medications prescribed and labeled for one resident are not administered to any other resident.

(5) Medication errors and drug reactions are immediately reported to the resident's physician. An entry of the incident and the subsequent report is made in the resident's medical record. The facility pharmacist shall be notified of drug reactions during the next visit to the facility after the occurrence of the drug reaction.

(d) Drugs covered by the Controlled Substances Act.

(1) A separate record must be maintained for each drug covered by Schedules II, III, and IV of the Controlled Substances Act.

(2) The record for each drug must contain the following information: prescription number; name and strength of drug; date received by facility; date and time administered; name of patient; dose; physician's name; signature of person administering dose; and original amount dispensed with balance verifiable by drug inventory. Schedule II drugs balances shall be verified by inventory every eight hours (each shift change). Schedule III and IV drugs balances shall be verified by inventory at least once a week.

(3) Schedule V drugs shall be excluded from the requirements in .009(d)(1) and (2).

(f) Pharmaceutical services.

(1) A custodial care home which maintains an on-premise licensed pharmacy shall employ a registered pharmacist, in good standing, to practice the profession of pharmacy. The pharmacy and pharmacist shall operate in com-

plete accordance and compliance with laws and regulations promulgated by regulatory agencies having responsibilities for dangerous and controlled drugs.

(2) A custodial care home which does not maintain an on-premise licensed pharmacy shall obtain drugs and medications from community pharmacies and/or dispensing physicians.

(3) The nondispensing services of a pharmacist shall be contracted for the purpose of ascertaining the status of pharmaceutical services within the facility. The responsibilities, functions, objectives, the terms of agreement including financial agreement and/or other fees paid the facility pharmacist and number of hours per month the pharmacist shall devote to pharmaceutical services in the facility shall be delineated in writing and signed by an authorized representative of the facility and the facility pharmacist. The number of hours per month the pharmacist devotes to pharmaceutical services in the facility to assess the facility's pharmaceutical services for the ordering, storage, administration, disposal, and record keeping (documentation) of drugs and medications shall be not less than:

(A) Single-level facility (custodial care home)	
60 patients or less .....	2 hours
61 to 150 patients.....	3 hours
151 patients and over .....	4 hours

(B) Multilevel facility (custodial care home and nursing home). In calculating the minimum number of hours per month the pharmacist shall devote to nondispensing pharmaceutical services, the following criteria of the levels of licensure will prevail and shall be applied to the entire facility.

60 patients or less .....	4 hours
61 to 150 patients.....	5 hours
151 patients and over .....	6 hours

For example: in a 120-bed facility, licensed for 60 nursing homes beds and 60 custodial care home beds, the above (B) criteria shall be applied to the entire 120 beds for a minimum of five hours.

In defining the number of patients/residents in a facility for the purpose of determining the required monthly hours by the pharmacist, the total number of patient days at the end of the prior month shall be divided by actual days in that month. The required pharmacist's hours based on the formula would apply to the following month. The nursing home administrator shall be responsible for the pharmacist requirements being met from the standpoint of time spent in the facility and quality of services rendered.

(4) For each nondispensing visit to the facility for the purpose of ascertaining the status of pharmaceutical services, the facility pharmacist shall furnish a written report to the facility administrator of the resultant problems found in the obtaining, storing, administering, disposal, and record keeping of drugs and medications.

(5) The facility pharmacist along with the facility administrator, director of nurses or health service supervisor, and staff physician shall develop written pharmaceutical services, policies, and procedures appropriate for the facility.

Issued in Austin, Texas, on June 29, 1978.

Doc. No. 784428      Raymond T. Moore, M.D.  
Deputy Commissioner  
Texas Department of Health

Effective Date: July 31, 1978

For further information, please call (512) 458-7470.

## Texas Department of Human Resources

### Pharmacy Services

#### Participation 326.40.03

The Department of Human Resources adopts the amendment to Rule 326.40.03.003, about termination of participation in the Vendor Drug Program as proposed in the April 14, 1978, issue of the *Texas Register* (3 TexReg 1410). As part of the Texas Medical Assistance Program, the Vendor Drug Program provides pharmaceutical services to eligible recipients through contract providers. The amendment provides for informal audit reviews for providers desiring to appeal audit exceptions. No comments were received on the proposed amendment; therefore, it is adopted without changes to the proposed text.

This amendment is adopted under the authority of Article 695c and 695j-1, Texas Revised Civil Statutes, with the approval of the Texas Board of Human Resources.

#### .003. Termination of Participation.

(a) The Department of Human Resources reserves the right to reject any request for participation or to immediately terminate participating status should the provider conduct his pharmaceutical practices in violation of the criteria of the Title XIX Vendor Drug Program, state or federal laws, or the ethics adopted by the profession.

(b) The Department of Human Resources, upon receipt of written request, will provide a contract appeal to the provider in the event the department suspends or cancels the provider's participation in the program.

(c) The Department of Human Resources, upon written request, will provide an informal audit review for a provider desiring to appeal audit exceptions and to present documentation not available at the time of the audit.

Doc. No. 784422

## Purchased Social Services

### Purchase of Training 326.64.44

The Texas Department of Human Resources has adopted the following amendments to its rules concerning purchased social services. These amendments incorporate changes required by federal regulations and clarify existing internal procedures. These rules were published in the April 14, 1978, issue of the *Texas Register* (3 TexReg 1410). Several comments were received during the comment period, but none required changes in the text of the amendments as they were proposed.

These amendments are adopted under the authority of Article 695c, Texas Revised Civil Statutes, and with the approval of the Texas Board of Human Resources.

#### .002. Training for Contract Provider Agencies.

(a) Expenditures to provide training to staff of contract provider agencies who are engaged in the direct provision of service to clients may include. . . .

#### .003. Financial Assistance to Students.

(a) FFP may be claimed for certain expenditures for training contract provider agency direct service delivery personnel when the following conditions are met:

(1) The staff person must have a legally binding commitment to work with the agency for a period of time at least equal to that for which financial assistance is granted.

#### .004. Activities and Costs Matchable as Training Expenditures.

(a) Costs matchable as training expenditures include:

(1) Travel and costs of education (including tuition, books, and supplies) of provider personnel in attendance full-time at training programs for eight consecutive work weeks or longer, where such employees are not simultaneously engaged in service delivery. Travel costs and costs of education must have appropriate documentation verified by the employee in order to be reimbursable.

(3) Payment of education costs of provider personnel on part-time educational leave (part of the working week, evenings, mornings).

(6) For individual providers and foster parents in part-time training: travel and education costs.

(7) Payments to educational institutions engaged in curriculum development, related classroom and field instruction under the purchase of services section of the Code of Federal Regulations: salaries, fringe benefits and travel for instructors, clerical assistance, teaching materials, and equipment.

(8) Indirect costs not to exceed 10 percent of direct teaching salaries. This list of allowable training costs is exhaustive. No other costs are matchable as training under Title XX regulations.

Doc. No. 784423

## Regional Monitoring and Management 326.64.45

The Texas Department of Human Resources adopts the following amendments to its rules concerning purchased social services. These amendments incorporate changes required by federal regulations and clarify existing internal procedures. These rules were published in the April 14, 1978, issue of the *Texas Register* (3 TexReg 1411). Several comments were received during the comment period, but none required changes in the text of the amendments as they were proposed.

These amendments are adopted under the authority of Article 695c, Texas Revised Civil Statutes, and with the approval of the Texas Revised of Human Resources.

.001. *Monitoring and Management of Purchased Services and Contracts.* After the application for contract is accepted by the department and executed as a contract, regional staff are responsible and accountable for monitoring and managing the contract.

(c) A copy of the completed formal evaluation is transmitted to the authorized representative of the contractor.

### .004. *Renewal of Contracts.*

(a) The region is responsible for renewal of existing contracts. Prior to renewal, each contract must be evaluated. The regional administrator or his or her designee determines whether the contract should be renewed. This renewal procedure follows the same process as that for new applications as specified in the regional plan for contracts administration. A copy of the formal evaluation report must accompany the signed contract renewal when submitted to the appropriate State Office program manager in the Social Services Branch. The contract renewal package consists of the Information Sheet, the Social Services Contract Form (or its equivalent), the budget for Purchase of Services (or its equivalent), the Program Description, the board resolution, and the Advance Payment Amendment (if advance payment is required); the same contract number is used each year the contract is negotiated and renewed.

Doc. No. 784424

## Donor Funds 326.64.46.001

The Texas Department of Human Resources adopts amendments to its rule regarding purchased social services. Such purchased services enable the department to extend services it might not otherwise be able to provide. These amendments incorporate changes required by federal regulations and clarify existing internal procedures. This rule was published in the April 14, 1978, issue of the *Texas Register* (3 TexReg 1411). Several comments were received during the comment period, but none required changes in the text of the amendment as it was proposed.

This amendment is adopted under the authority of Article 695c, Texas Revised Civil Statutes, and with the approval of the Texas Board of Human Resources.

### .001. *Regional Responsibility.*

(b) When local donor funds (donated or certified funds) are used for matching, the donor contract must include an additional five percent of the contract amount funded by local/federal mix which is retained by the department for administrative costs.

Issued in Austin, Texas, on June 30, 1978.

Doc. No. 784425 Jerome Chapman  
Commissioner  
Texas Department of Human Resources

Effective Date: July 21, 1978

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

## 326.64.46.002-.003

The Texas Department of Human Resources has withdrawn from consideration the proposed repeal of Rules 326.64.46.002-.003, regarding purchased social services, as published in the April 14, 1978, issue of the *Texas Register* (3 TexReg 1411).

Doc. No. 784426

## Food Stamps

### Resources 326.15.35

The Department of Human Resources adopts the amendment to its rule concerning resources which are considered as exemptions in determining a household's eligibility for the Food Stamp Program. Currently, the cash value of resources not accessible to the household, such as trust funds and property in probate, is exempt as a resource. The United States Department of Agriculture (USDA), the federal agency responsible for the Food Stamp Program, has added an interpretation to this policy regarding resources held jointly by two or more persons. The following amendment incorporates USDA's interpretation, which states that for resources held jointly by two or more persons, the determination of whether the resource is inaccessible to the household is dependent on whether the property is divisible for separate sale. If the property cannot be sold separately, then the property is considered inaccessible and therefore exempt as a resource. The amendment to subsection (15) of this rule will provide for refunds identified as earned income tax credits to be disregarded as a resource in determining a household's eligibility for the Food Stamp Program.

No comments were received on the proposed amendment. Therefore, this amendment is adopted with no changes to the proposed text.

The amendments to this rule have been approved by the Texas Board of Human Resources and are adopted under the authority of Article 695c, Texas Revised Civil Statutes.

### .003. *Exempt Resources.*

(a) Only the following will not be considered household resources in determining eligibility:

(7) The cash value of resources not accessible to the

household, such as but not limited to irrevocable trust funds and property in probate, is exempt as a resource.

Certain resources may be inaccessible for a temporary period of time and therefore exempt until the resource becomes accessible. Examples of such resources include government savings bonds for a two-month period from date issued and some employee savings plans. These types of savings plans are usually inaccessible for a specified period of time from the date a withdrawal request is made. The date the household applies for food stamp benefits will be considered the date of the withdrawal request unless the household has a withdrawal request pending at the time of application. For such pending withdrawals, the actual withdrawal request date will be used to determine the length of time the resource is inaccessible.

For resources held jointly by two or more persons, the determination of whether the resource is inaccessible to the household is dependent on whether the property is divisible for separate sale. If the property can only be sold as one parcel and one or more of the owners refuses to sell, then the property must be considered inaccessible. If the property is divisible for separate sale, only the portion available to the household is assessed at its fair market value and is considered as an available resource.

(15) **Earned income tax credit.** Refunds identified as earned income tax credits are exempt as a resource.

Doc. Nos. 784460 and 784461

### 326.15.41.034

The Department of Human Resources adopts the new rule regarding types of income which are considered as exemptions in determining a household's eligibility for the Food Stamp Program. This rule was published in the May 5, 1978, issue of the *Texas Register* (3 TexReg 1620). This new rule will provide for refunds identified as earned income tax credits to be disregarded as income in determining a household's eligibility for the Food Stamp Program.

No comments were received on the proposed rule. Therefore, this rule is adopted with no changes to the proposed text.

This rule has been approved by the Texas Board of Human Resources and is adopted under the authority of Article 695c, Texas Revised Civil Statutes.

.034. **Earned Income Tax Credit.** Refunds identified as earned income tax credits are excluded from food stamp income.

Issued in Austin, Texas, on July 5, 1978.

Doc. No. 784462

Jerome Chapman  
Commissioner  
Texas Department of Human  
Resources

Effective Date: July 26, 1978

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

## House of Representatives

### Hearings

#### Hearings Filed July 5, 1978

*Joint Committee on Migrant Farmworkers*, Monday, July 17, 1978, 1 p.m., Room E, John H. Reagan Building, to review state agency programs with migrant farmworkers.

*Subcommittee on Federal Special Education Regulations (Public Education Committee)*, Friday, July 14, 1978, 2 p.m., or on adjournment, Room D, John H. Reagan Building, to hear a report from the Texas Education Agency staff.

*Committee on Social Services*, Tuesday and Wednesday, July 11-12, 1978, 10 a.m., Old Supreme Court Room, State Capitol, to consider proposed legislation concerning the Commission on Alcoholism, Commission for the Blind, Commission for the Deaf, Governor's Committee on Visually Handicapped, and the Texas Rehabilitation Commission.

*Committee on Social Services*, Tuesday, July 18, 1978, 10 a.m., Old Supreme Court Room, State Capitol, to consider proposed legislation concerning the Texas Department of Corrections, Texas Youth Council, and Commission on Jail Standards.

## House Standing Committees

### 65th Legislature

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## Senate

### Meetings

#### Meetings Filed July 5, 1978

*Administration Committee*, Tuesday, July 11, 1978, upon adjournment, Lieutenant Governor's Committee Room, State Capitol.

*Subcommittee on Agriculture*, Monday, July 10, 1978, 3 p.m., Lieutenant Governor's Committee Room, State Capitol, to receive testimony concerning the impact of property taxes on agricultural land based upon a fair market value rather than a value based on productivity.

## Senate Standing Committees 65th Legislature

### Administration

Gene Jones, Acting Chairman  
 Roy Blake  
 Frank Lombardino  
 Raul Longoria  
 Oscar Mauzy  
 A. R. Schwartz  
 John Traeger

#### *Subcommittee on Rules*

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 Jack Ogg  
 H. Tati Santiesteban  
 W. E. (Pete) Snelson  
 Lindon Williams

### Finance

A. M. Aikin, Chairman  
 Roy Blake  
 Chet Brooks  
 Tom Creighton  
 Ray Farabee  
 Kent Hance  
 Bill Meier  
 W. T. (Bill) Moore  
 H. Tati Santiesteban  
 A. R. Schwartz  
 Max Sherman  
 W. E. (Pete) Snelson  
 John Traeger

### Human Resources

Chet Brooks, Chairman  
 Bill Braecklein, Vice Chairman  
 Betty Andujar  
 Ron Clower

Lloyd Doggett  
 O. H. (Ike) Harris  
 Gene Jones  
 Frank Lombardino  
 Bill Meier  
 W. N. (Bill) Patman  
 Carlos Truan

**Subcommittee on Consumer Affairs**

Ron Clower, Chairman  
 Lloyd Doggett, Vice Chairman  
 Betty Andujar  
 Bill Meier  
 W. N. (Bill) Patman

**Subcommittee on Public Health**

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 Frank Lombardino, Vice Chairman  
 Bill Braecklein  
 Gene Jones  
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**Intergovernmental Relations**

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 Carl Parker, Vice Chairman  
 Betty Andujar  
 Ron Clower  
 Glenn Kothmann  
 Frank Lombardino  
 Walter H. Mengden, Jr.  
 Jack Ogg  
 Lindon Williams

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A. R. Schwartz, Chairman  
 Bill Meier, Vice Chairman  
 Roy Blake  
 Bill Braecklein  
 Lloyd Doggett  
 Ray Farabee  
 Gene Jones  
 Raul Longoria  
 Oscar Mauzy  
 Walter H. Mengden, Jr.  
 Carl Parker  
 H. Tati Santiesteban  
 Bob Price

**Subcommittee on Civil Matters**

Bill Braecklein, Chairman  
 Ray Farabee, Vice Chairman  
 Lloyd Doggett  
 Raul Longoria  
 Bob Price

**Subcommittee on Criminal Matters**

H. Tati Santiesteban, Chairman  
 Walter H. Mengden, Jr., Vice Chairman  
 Gene Jones  
 Oscar Mauzy  
 Bill Meier

**Natural Resources**

Lindon Williams, Acting Chairman  
 Tom Creighton  
 Ray Farabee  
 Kent Hance  
 Grant Jones  
 Glenn Kothmann  
 Peyton McKnight  
 Walter H. Mengden, Jr.  
 W. N. (Bill) Patman  
 Bob Price  
 Carlos Truan

**Subcommittee on Water**

Kent Hance, Chairman  
 Grant Jones, Vice Chairman  
 Tom Creighton

**Subcommittee on Agriculture**

W. N. (Bill) Patman, Chairman  
 Carlos Truan, Vice Chairman  
 Bob Price

**Subcommittee on Energy**

Peyton McKnight, Chairman  
 Walter H. Mengden, Jr., Vice Chairman  
 Ray Farabee

**State Affairs**

W. T. (Bill) Moore, Chairman  
 Glenn Kothmann, Vice Chairman  
 A. M. Aikin, Jr.  
 Betty Andujar  
 Bill Braecklein  
 Chet Brooks  
 Ron Clower  
 Lloyd Doggett  
 Kent Hance  
 Raul Longoria  
 Peyton McKnight  
 Jack Ogg  
 John Traeger

**Subcommittee on Nominations**

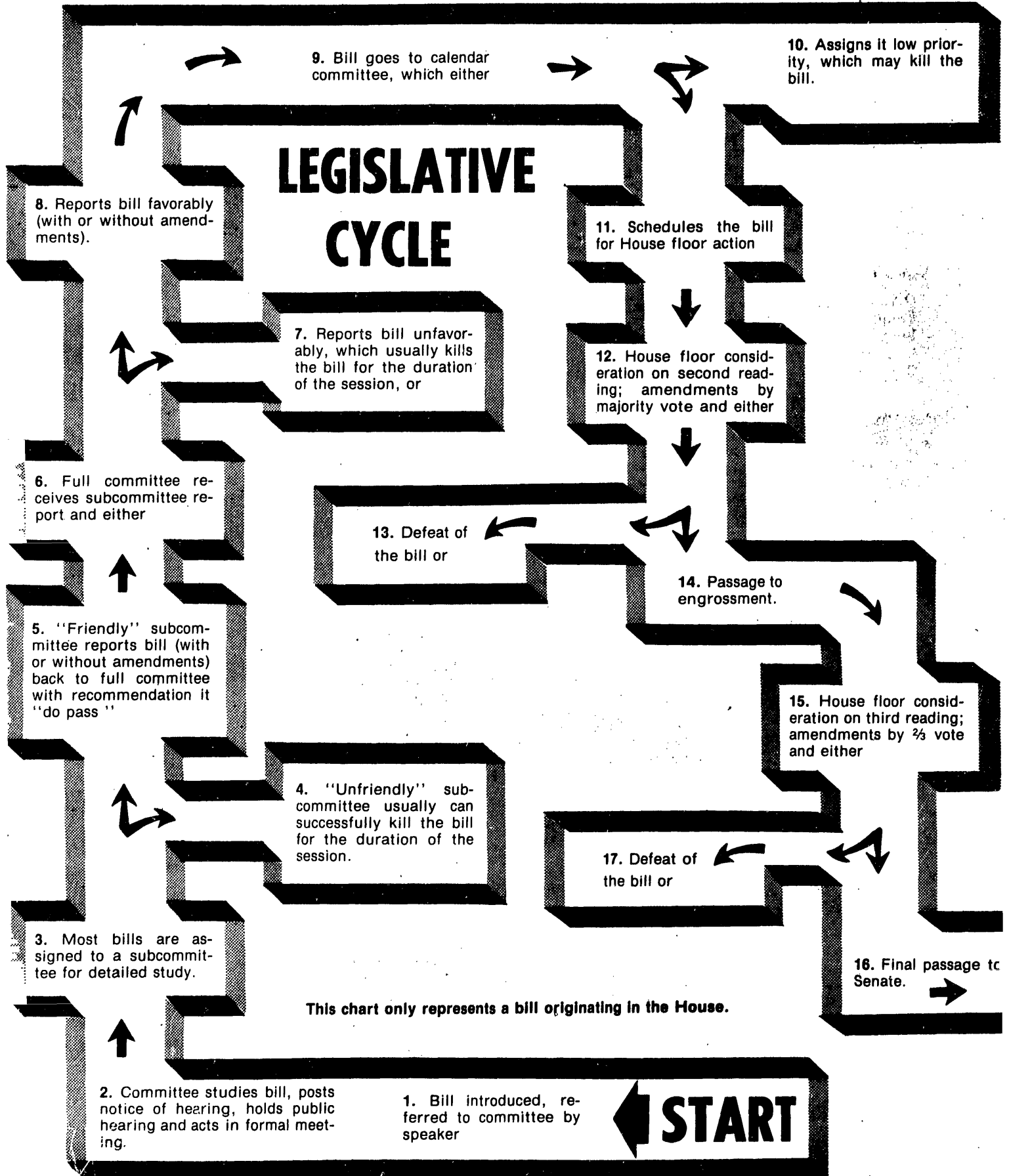
Peyton McKnight, Chairman  
 Betty Andujar, Vice Chairman  
 Bill Braecklein  
 Kent Hance  
 Glenn Kothmann  
 Raul Longoria  
 Jack Ogg

**Subcommittee on Elections**

Jack Ogg, Chairman  
 John Traeger, Vice Chairman  
 Lloyd Doggett  
 Peyton McKnight  
 W. T. (Bill) Moore

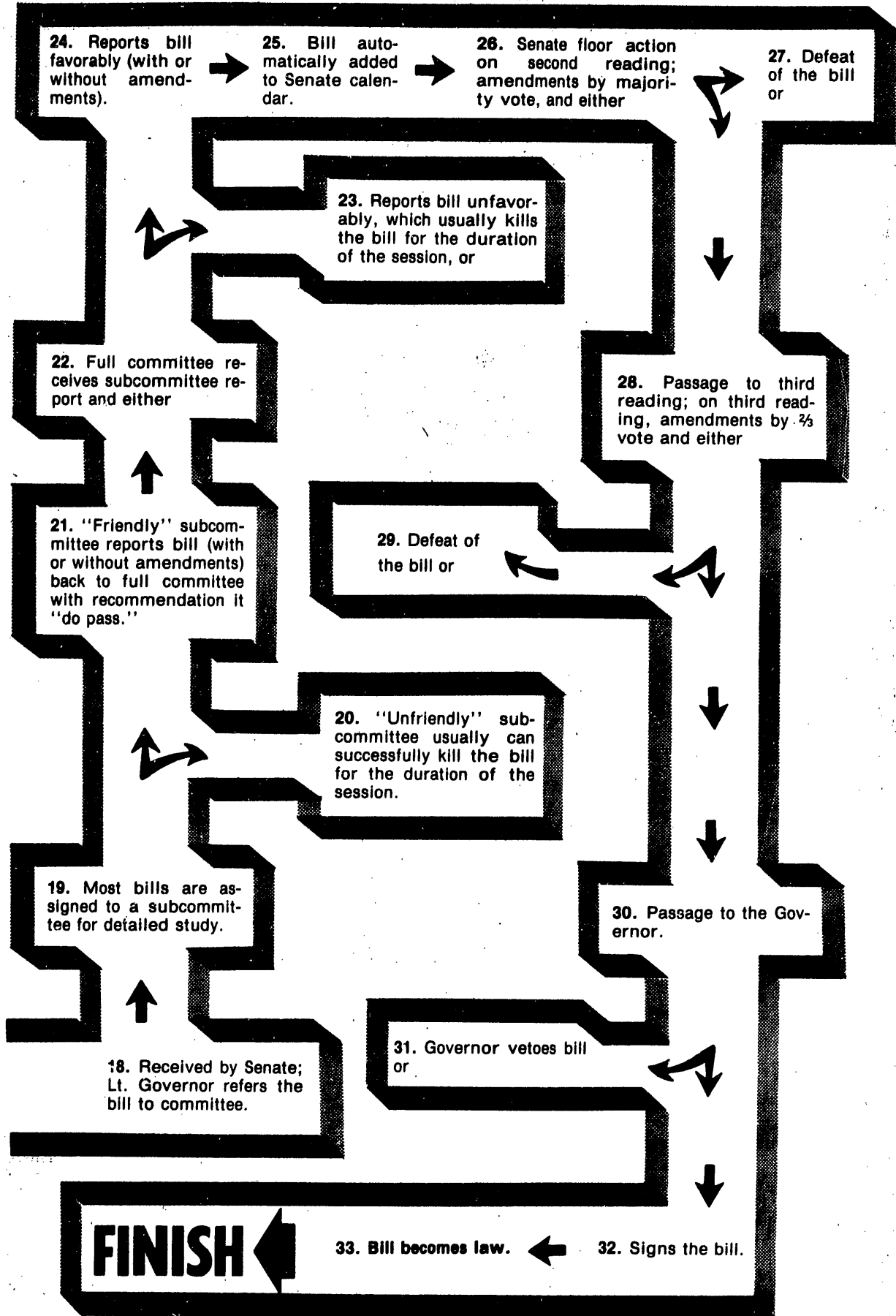
# HOUSE

## LEGISLATIVE CYCLE

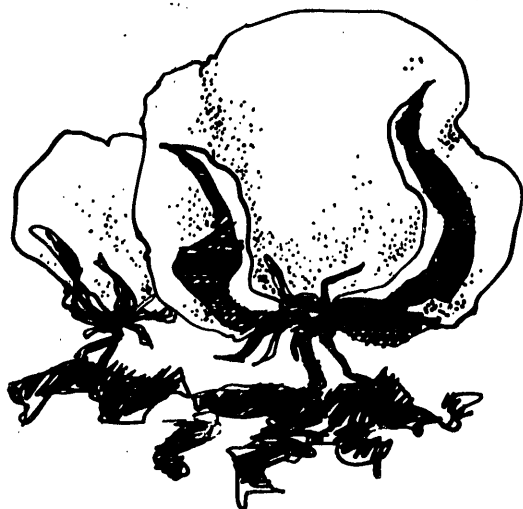


# SENATE

2399



The Open Meetings Act (Article 6252-17, Texas Civil Statutes) requires that an agency with statewide jurisdiction have notice posted for at least seven days before the day of a meeting. A political subdivision covering all or part of four or more counties, or an institution of higher education, must have notice posted for at least 72 hours before the scheduled meeting time. Notice of an emergency meeting or an emergency addition or amendment to an agenda must be posted for at least two hours before the meeting is convened. Although some notices may be received and filed too late for publication before the meetings are held, all filed notices will be published in the *Register*. Each notice published includes an agenda or a summary of the agenda as furnished for publication by the agency and the date and time of filing. Notices are posted on the bulletin board outside the offices of the secretary of state on the first floor in the East Wing of the State Capitol. These notices may contain more detailed agendas than space allows to be published in the *Register*.



## State Banking Board

**Friday, July 14, 1978, 9 a.m.** The State Banking Board has cancelled a hearing that was to be held at 2601 North Lamar, Austin, regarding the conversion application for The Delta Bank, Cooper (conversion from Delta National Bank to a state-chartered institution), as summarized.

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

Filed: July 5, 1978, 2:39 p.m.  
Doc. No. 784472

## Texas Board of Chiropractic Examiners

**Wednesday through Saturday, July 12-15, 1978, 10 a.m. daily.** The Texas Board of Chiropractic Examiners will meet in the Stephen F. Austin Hotel and in Suite 114, 4911 Harmon Street, Austin, as summarized:

**Wednesday, July 12, Stephen F. Austin Hotel**—interviews of applicants for licensure and examinations.

**Thursday, July 13, 4911 Harmon Avenue, Suite 114**—examination wrap-up; issuance of licenses; full board meeting, consisting of general board business and cancelling of licenses for nonrenewal.

**Friday, July 14, 4911 Harmon Avenue, Suite 114**—board meeting continued; hearings on complaints and general board business.

**Saturday, July 15, 4911 Harmon Avenue, Suite 114**—board meeting continued.

Additional information may be obtained from Melvin E. Corley, Suite 114, 4911 Harmon, Austin, Texas 78751.

Filed: July 3, 1978, 3:20 p.m.  
Doc. No. 784448

## Texas Board of Corrections

**Monday, July 10, 1978, 8 a.m.** The Texas Board of Corrections made an emergency addition to the agenda of a meeting held in Room 103, 815 Eleventh Street, Huntsville. The agenda included consideration of: Personnel Section, additional out-of-state travel; Legal Section, Texas Youth Council proposal; and Windham School District Section, personnel matter to be discussed in executive session.

Additional information may be obtained from W. J. Estelle, Jr., P.O. Box 99, Huntsville, Texas 77340, telephone (713) 295-6373, extension 260.

Filed: July 3, 1978, 2:14 p.m.  
Doc. No. 784435

## Employees Retirement System of Texas

**Thursday, July 20, 1978, 9:30 a.m.** The Group Insurance Advisory Committee of the Employees Retirement System of Texas will meet in Room 503-G, Sam Houston Building, Austin, to review the Uniform Group Insurance Program benefits, employee input survey, open enrollment activities, and employee eligibility.

Additional information may be obtained from Joseph M. Murphy, Jr., P.O. Box 12337, Austin, Texas 78701, telephone (512) 476-6431.

Filed: July 5, 1978, 3:49 p.m.  
Doc. No. 784474

## Commission on Fire Protection Personnel Standards and Education

**Thursday, July 6, 1978, 1:30 p.m.** The Fire Protection Subcommittee of the Commission on Fire Protection Personnel Standards and Education rescheduled an emergency meeting held in Suite 122, 8330 Burnet Road, Austin. Originally scheduled for Friday, July 7, at 9 a.m., this meeting was held for the purpose of finalizing recommendations to be considered as alternatives to the published proposed standards for fire inspectors (following the public hearing on fire inspector minimum standards, scheduled for July 7 at 10 a.m.).

Additional information may be obtained from Garland W. Fulbright, Suite 122, 8330 Burnet Road, Austin, Texas 78758, telephone (512) 459-8701.

Filed: July 3, 1978, 2:08 p.m.  
Doc. No. 784434

**Thursday, July 6, 1978, 3:30 p.m.** The Recruitment and Selection Subcommittee of the Commission on Fire Protection Personnel Standards and Education made an emergency addition to the agenda of a meeting held in Suite 122, 8330 Burnet Road, Austin. This meeting was held to continue study and review research data that was to be taken into consideration in establishing standards for a proposed rule regulating entrance into fire protection services.

Additional information may be obtained from Garland W. Fulbright, Suite 122, 8330 Burnet Road, Austin, Texas 78758, telephone (512) 459-8701.

Filed: July 3, 1978, 2:09 p.m.  
Doc. No. 784433



## Texas Health Facilities Commission

**Thursday, July 13, 1978, 10 a.m.** The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. The commission will consider the following applications:

- Edmond Oaks Convalescent Center, Lewisville—certificate of need
- Eastway General Hospital, Houston—certificate of need
- Southeast Texas Hospice, Inc., Orange—motion for rehearing for certificate of need

In addition to considering applications, the commission will also consider an emergency amendment to Rule 315.07.01.150, entitled Category of Beds, to delete the words "custodial care, intermediate care facility—II (ICF-II), nursing care intermediate care facility—III (ICF-III) nursing care, skilled nursing care". The rule as in its present form as applied to other rules appears to require a certificate of need or exemption certificate for projects to reduce levels of care in nursing homes. Such requirement may be inconsistent with the provisions of Article 4418(h), Vernon's Annotated Civil Statutes. The amendment would eliminate the apparent conflict between Article 4418(h) and the commission rules.

Additional information may be obtained from Dan R. McNery, P.O. Box 15023, Austin, Texas 78761, telephone (512) 475-6940.

Filed: July 5, 1978, 11:47 a.m.  
Doc. No. 784468

**Thursday, July 20, 1978, 10 a.m.** The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. The commission will consider the following applications:

- Grant-Buie Hospital, Inc, Hillsboro—certificate of need
- St. John's Hospital, San Angelo—certificate of need
- Wadley Hospital, Texarkana—certificate of need
- Cresthaven Nursing Center at Austin, Austin—certificate of need
- Sears Memorial Methodist Center, Abilene—certificate of need
- Harris County Hospital District, Houston—certificate of need
- Dimmit County Memorial Hospital, Carrizo Springs—certificate of need
- Sharpstown General Hospital, Inc., Houston—certificate of need
- Texas Home Health, Inc., Silsbee—certificate of need
- South Park Nursing and Development Center, Brownwood—certificate of need

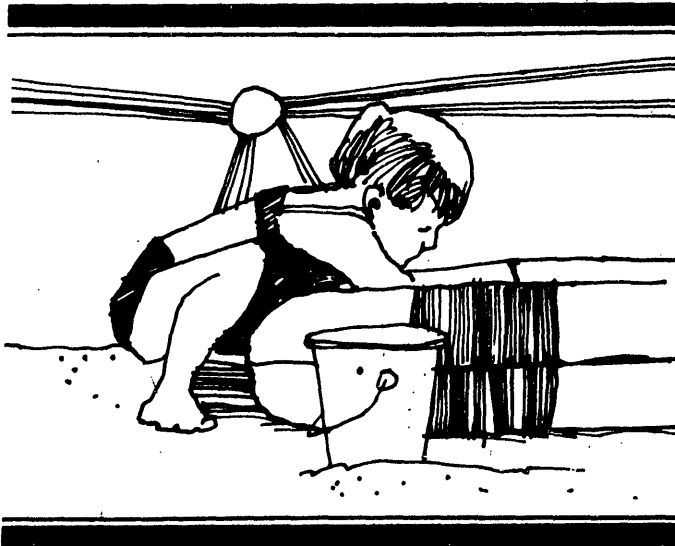
Live Oaks Convalescent Center, Inc., Clarksville—exemption certificate

McAllen General Hospital, McAllen—administrative order

Additional information may be obtained from Dan R. McNery, P.O. Box 15023, Austin, Texas 78761, telephone (512) 475-6940.

Filed: July 5, 1978, 11:48 a.m.

Doc. No. 784469



## State Board of Insurance

**Friday, July 7, 1978, 9 a.m.** The Commissioner's Hearing Section of the State Board of Insurance met in emergency session in Room 343, 1110 San Jacinto, Austin, to conduct a prehearing conference on a merger of World Service Life Insurance Company (Fort Worth) and United American Life Insurance Company (Englewood, Colorado), pursuant to Rule 059.10.04.037 of the Rules of Practice and Procedure before the State Board of Insurance and the Commissioner of Insurance.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4353.

Filed: July 5, 1978, 10:03 a.m.

Doc. No. 784453

**Friday, July 14, 1978, 2 p.m.** The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 343, 1110 San Jacinto, Austin, to conduct a hearing regarding Mortgagebanque Financial Services, Inc., Houston. The applicant seeks acquisition of American Retirement Life Insurance Company, Houston, pursuant to Texas Insurance Code, Article 21.49-1, Section 5.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4353.

Filed: July 5, 1978, 10:03 a.m.

Doc. No. 784454

**Monday, July 17, 1978, 10 a.m.** The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 343, 1110 San Jacinto, Austin, to conduct a hearing to determine the compliance of Fidelity American Insurance Company, Dallas, with Commissioner's Supervision Order No. 78-1447, dated May 4, 1978.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4353.

Filed: July 5, 1978, 10:03 a.m.

Doc. No. 784455

**Tuesday, July 18, 1978, 9 a.m.** The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 343, 1110 San Jacinto, Austin, to conduct a hearing regarding Frontier Life Insurance Company, Fort Worth. The applicant seeks a temporary certificate of authority, pursuant to Texas Insurance Code, Article 22.05.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4353.

Filed: July 5, 1978, 10:03 a.m.

Doc. No. 784456

**Tuesday, July 18, 1978, 10 a.m.** The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 343, 1110 San Jacinto, Austin, to conduct a hearing regarding Financial Security Life Insurance Company of Texas, Waskom. The applicant seeks an initial certificate of authority, pursuant to Texas Insurance Code, Article 3.06.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4353.

Filed: July 5, 1978, 10:02 a.m.

Doc. No. 784457

**Wednesday, July 19, 1978, 9 a.m.** The State Board of Insurance will meet in the Senate Chamber, State Capitol, Austin, to conduct the annual automobile hearing. The board will consider: automobile liability and physical damage rate revisions; automobile casualty insurance rating plans, manual rules and rates incidental thereto; endorsement forms for both voluntary and assigned risks policies; physical damage rating plans, manual rules and rates incidental thereto; endorsement forms; and such other matters as set out in this notice.



Additional information may be obtained from Pat Wagner, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-2950.

Filed: July 5, 1978, 10:03 a.m.  
Doc. No. 784452

**Thursday, July 20, 1978, 10 a.m.** The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 343, 1110 San Jacinto, Austin, to conduct a hearing regarding Combined Insurance Company of America, Chicago, Illinois. The applicant requests commissioner's approval to market blanket insurance under authority of Texas Insurance Code Annotated, Article 3.51-6, Section 2(a)(9).

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4353.

Filed: July 5, 1978, 10:02 a.m.  
Doc. No. 784458

## Board of Pardons and Paroles

**Monday through Friday, July 17-21, 1978, 9 a.m. daily.** The Board of Pardons and Paroles will meet in Room 711, Stephen F. Austin Building, Austin. As summarized, the board will review cases of inmates for parole consideration; act on emergency reprieve requests and other acts of executive clemency; review reports regarding persons on parole and procedures affecting the day-to-day operation of support staff; review and initiate needed rule changes relating to general operation, executive clemency, parole, and all hearings conducted by the agency; and take action upon gubernatorial directives.

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

Filed: July 5, 1978, 10:06 a.m.  
Doc. No. 784459

## Board of Polygraph Examiners

**Thursday through Saturday, July 20-22, 1978, 9 a.m.-4 p.m.** The Board of Polygraph Examiners will conduct meetings as summarized:

**July 20 and 21,** Conference Room, 14th floor, First City National Bank, 300 East Main, El Paso—grading of licensing examinations.

**July 22,** Monterey Room, Granada Hotel, 6100 Gateway East, El Paso—administrative hearings requested by affected personnel.

Additional information may be obtained from Henry L. Cauty, Suite 502, 7701 North Lamar, Austin, Texas 78752, telephone (512) 454-3593.

Filed: July 3, 1978, 3:05 p.m.  
Doc. No. 784446

## Texas State Board of Registration for Professional Engineers

**Wednesday and Thursday, July 19 and 20, 1978, 8:30 a.m.** The Texas State Board of Registration for Professional Engineers will meet in Room 200, John Reagan Building, 1400 Congress, Austin, to consider the following items: installation of new officers; approval of previous board and committee meeting minutes; reports from board members and staff; agency budget; interviews of applicants for registration; review of applications for registration; licensing of engineers; report from counsel; and discussion of enforcement program.

Additional information may be obtained from Donald C. Klein, P.E., Room 200, John Reagan Building, Austin, Texas 78701, telephone (512) 475-3141.

Filed: July 6, 1978, 10:05 a.m.  
Doc. No. 784486

## Public Utility Commission of Texas

**Tuesday, July 18, 1978, 9 a.m.** The Public Utility Commission of Texas will meet Suite 400N, 7800 Shoal Creek Boulevard, Austin, to conduct a prehearing conference regarding the following, as summarized: Docket No. 1981, application of El Paso Electric Company for a rate increase; and Docket No. 478, application of El Paso Electric Company for a certificate of convenience and necessity for the Palo Verde Nuclear Generating Facilities.

Additional information may be obtained from Roy J. Henderson, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-6111.

Filed: July 6, 1978, 9:46 a.m.  
Doc. No. 784478

**Wednesday, August 17, 1978, 10 a.m.** The Public Utility Commission of Texas has rescheduled a hearing to be held in Suite 400N, 7800 Shoal Creek Boulevard, Austin, regarding the following applications, as summarized: Docket No. 1520, inquiry by the commission into propriety of service termination and legality of rates charged by Eastwood Water Company; and Docket No. 1706, application for sale, transfer, or merger by J. M. Mowrey to Leroy Weems of water facilities in Hood County. This hearing was originally scheduled for July 6.

Additional information may be obtained from Roy J. Henderson, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-6111.

Filed: July 6, 1978, 9:46 a.m.  
Doc. No. 784479

**Thursday, September 7, 1978, 9 a.m.** The Public Utility Commission of Texas will meet in Suite 400N, 7800 Shoal Creek Boulevard, Austin, to conduct a hearing on an application of Deerhaven, Inc., for a water rate increase in Llano County (Docket No. 1902), as summarized in the agenda.

Additional information may be obtained from Roy J. Henderson, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-6111.

Filed: July 3, 1978, 2:15 p.m.  
Doc. No. 784436

## Texas Eastern University

**Tuesday, July 11, 1978, 2 p.m.** The Board of Regents' Finance and Appropriations Committee of Texas Eastern University will meet at 3900 University Boulevard, Tyler, to consider the following items: 1978-79 institutional budget; request for legislative appropriations for fiscal years ending August 31, 1980 and 1981; and any and all business that may properly come before the meeting concerning the affairs of Texas Eastern University.

Additional information may be obtained from James H. Stewart, Jr., 3900 University Boulevard, Tyler, Texas 75701, telephone (214) 566-1471.

Filed: July 5, 1978, 9:49 a.m.  
Doc. No. 784450

**Wednesday, July 12, 1978, 2 p.m. (committee meetings at 1 p.m.).** The Board of Regents of Texas Eastern University will meet at 3900 University Boulevard, Tyler. The agenda will include: consideration of reports from standing committees to include a TEU Educational Foundation, Inc. Report; annual academic report; personnel; tenure recommendations; construction progress report; Library (Part A) 50 Percent Review Design documents; Phase II contract change; revision No. 39 for Phase II construction; architectural statements; institutional budget for fiscal year 1979; request for legislative appropriations, fiscal years ending August 31, 1980 and 1981; budget changes; revolving fund; land appraisal; interagency cooperation contracts; contract for collection of student loan accounts; president's report and recommendations; designation of science laboratories; Walter Carl Roddy Memorial Fund; reappointment of present institutional personnel; Summer I small class report; Summer I and Spring 1978 enrollment reports; 1977-78 faculty academic workload report; faculty research projects; summer convocation; and any and all business that may properly come before the meeting concerning the affairs of the university.

Additional information may be obtained from James H. Stewart, Jr., 3900 University Boulevard, Tyler, Texas 75701, telephone (214) 566-1471.

Filed: July 5, 1978, 9:49 a.m.  
Doc. No. 784451

## Texas Water Commission

**Monday, July 17, 1978, 10 a.m.** The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin, to consider applications for the following, as summarized: district bond issues; release from escrow and use in surplus funds; examiner's proposals for decision on water quality matters; amendments to water quality permits; approval of plans on reclamation projects; water rights permits; and setting of hearing dates on water rights adjudications.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: July 6, 1978, 10:04 a.m.  
Doc. No. 784485

**Tuesday, July 25, 1978, 10 a.m.** The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin, regarding a petition to create Terranova West Municipal Utility District, containing approximately 175.017 acres of land, as summarized in the agenda.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: July 6, 1978, 10:04 a.m.  
Doc. No. 784484

## Texas Water Well Drillers Board

**Tuesday, July 11, 1978, 9:30 a.m.** The Texas Water Well Drillers Board met in emergency session in Room 119, Stephen F. Austin Building, 1700 North Congress, Austin. As summarized the board will consider certification of new applicants for registration; report on water well drillers examinations held since the May 2, 1978, meeting; discuss progress report on registration of new drillers since the May 2, 1978, meeting; report on investigator's activities; consider complaints and violations; consider final adoption of board rules; and discuss policy in regard to board's correspondence; and nominate officers for fiscal year 1979.

Additional information may be obtained from Fred Osborne, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-6176.

Filed: July 5, 1978, 3:52 p.m.  
Doc. No. 784473

## Texas Commission on the Status of Women

**Saturday, July 15, 1978, 10 a.m.** The Texas Commission on the Status of Women will meet in the Lieutenant Governor's Committee Room, State Capitol, Austin. The agenda includes: report and action upon recommendations from the committees on communications, criminal justice, education, employment, library, and volunteerism; consideration of membership affiliation with the National Association of Commissioners for Women; consideration and action upon requests for co-sponsorship of programs; reports and action upon applications for grants; financial report and approval of budget request for the biennium; and action upon matters affecting day-to-day operation of the commission.

Additional information may be obtained from Karen Dill Bowerman, 411 West 13th Street, Austin, Texas 78701, telephone (512) 475-6159.

Filed: July 6, 1978, 9:35 a.m.  
Doc. No. 784476

## Regional Agencies Meetings Filed July 3, 1978

**The Ark-Tex Council of Governments, Executive Committee**, met at the Cypress Creek Country Club, Mount Vernon, on July 6, 1978, at 5 p.m. The Board of Directors met at the Franklin County Courthouse, 200 North Kaufman, Mount Vernon, on July 6 at 7:30 p.m. The Sulphur Basin Planning Advisory Committee will meet at the Titus County Courthouse, Mount Pleasant, on July 13 at 7 p.m. Further information may be obtained from Laura Jacobus, P.O. Box 5307, Texarkana, Texas 75501, telephone (214) 794-3481.

**The Brazos River Authority**, Board of Directors, Administrative Policy Committee, will meet at 4400 Cobbs Drive, Waco, on July 11, 1978, at 10 a.m. Further information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76710, telephone (817) 776-1441.

**The East Texas Council of Governments, Executive Committee**, met in the Blue Room, Allied Citizens Bank Building, Kilgore, on July 6, 1978, at 7 p.m. Further information may be obtained from Don R. Edmonds, fifth floor, Citizens Bank Building, Kilgore, Texas, telephone (214) 984-8641.

**The South Texas Development Council**, Board of Directors, met at the Rio Grande Service Center, 600 North Garza, Rio Grande City, on July 7, 1978, at 10 a.m. Further information may be obtained from Julie Saldana, P.O. Box 1287, Laredo, Texas 78041.

Doc. No. 784437

## Meetings Filed July 5, 1978

**The Brazos Valley Development Council, Executive Committee**, will meet at the Robertson County Courthouse, Franklin, on July 13, 1978, at 1 p.m. Further information may be obtained from Glenn J. Cook, P.O. Drawer 4128, Bryan, Texas 77801, telephone (713) 822-7421.

**The Brazos Valley MH/MR Center**, Board of Trustees, Executive Committee, will meet in the Board Room, second floor, 202 East 27th Street, Bryan, on July 13, 1978, at 3 p.m. Further information may be obtained from Linda S. Davis, Ph.D, 202 East 27th Street, Bryan, Texas 77801, telephone (713) 779-2000.

**The Canadian River Municipal Water Authority**, Board of Directors, will meet at the Canadian River Municipal Water Authority headquarters (one mile west of Sanford), on July 12, 1978, at 10:30 a.m. Further information may be obtained from John C. Williams, P.O. Box 99, Sanford, Texas 79078, telephone (806) 865-3326.

**The Concho Valley Council of Governments**, General Assembly, will meet in the St. Angelus Room, Central National Bank, 36 West Beauregard, San Angelo, on July 12, 1978, at 8 p.m. Further information may be obtained from James F. Ridge, 7 West Twohig Building, Room 505, San Angelo, Texas 76903, telephone (915) 653-1214.

**The Lubbock Regional MH/MR Center** met at the Hilton Inn, 505 Avenue Q, Lubbock, on July 10, 1978, at 6:30 p.m. Further information may be obtained from Gene Menefee, 1210 Texas Avenue, Lubbock, Texas 79401, telephone (806) 763-4213.

**The South Texas Health Systems Agency**, Coastal Bend Subarea Health Advisory Council, will meet in Room 101, Science and Technology Building, Corpus Christi State University, 6300 Ocean Drive, Corpus Christi, on July 12, 1978, at 1:30 p.m. Further information may be obtained from Douglas M. Wilkey, Texas A&I University, Station 1, Box 2378, Kingsville, Texas 78363, telephone (512) 595-5545.

Doc. No. 784465

## Meetings Filed July 6, 1978

**The Austin-Travis County MH/MR Center**, Personnel Committee, met at 1430 Collier, Austin, on July 6, 1978, at 7 p.m. Further information may be obtained from Larry J. Miller, 1430 Collier, Austin, Texas 78704, telephone (512) 447-4141.

**The High Plains Underground Water Conservation District No. 1**, Board of Directors, will meet at 2930 Avenue Q, Lubbock, on July 11, 1978, at 10 a.m. Further information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, telephone (806) 762-0181.

**The Houston Metropolitan Transit Authority**, Board of Directors, will meet at 3227 Main Street, Houston, on July 13, 1978, at 10 a.m. Further information may be obtained from Marilee M. Wood, Box 1562, Houston, Texas, telephone (713) 225-1151.

**The Middle Rio Grande Development Council**, Regional Manpower Advisory Committee, will meet at Uvalde Civic Center, Uvalde, on July 12, 1978, at 3:30 p.m. Further information may be obtained from Elia G. Santos, P.O. Box 1461, Del Rio, Texas 78840, telephone (512) 775-1581.

Doc. No. 784477

## Department of Banking Notice of Application

Article 342-401a, Vernon's Texas Civil Statutes, requires any person who intends to buy control of a state bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On July 3, 1978, the banking commissioner received an application to acquire control of Bosque County Bank of Meridian, Meridian, by M. Lee Coleman, Dallas; Donald K. Ellis, Dallas; O. H. Pool, Austin; Philip M. Proctor, Richardson; Thomas R. Tarla, Austin; R. P. Vandervort, Pflugerville; David C. Walling, Dallas; and Daniel J. Wood, Dallas.

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

Issued in Austin, Texas, on July 5, 1977.

Doc. No. 784463      Robert E. Stewart  
Banking Commissioner

Filed: July 5, 1977, 10:11 a.m.

For further information, please call (512) 475-4451.

## Comptroller of Public Accounts

### Administrative Decisions

#### Summary of Administrative Decision 8733

**Summary of Decision:** Where tangible personal property is purchased in a local taxing jurisdiction under a direct pay permit and is stored or kept at the purchaser's place of business within a local taxing jurisdiction before being used at a job site outside the local taxing jurisdiction, local use tax becomes due to the jurisdiction where the property was stored or kept under the provisions of the Texas Revised Civil Statutes Annotated, Article 1066c(6)(B)(3).

Doc. No. 784467

#### Summary of Administrative Decision 9830

**Summary of Decision:** A corporation's franchise tax report must be computed based on its books and records, which are its general and special ledgers and journals and not its financial statement.

For copies of opinions selected and summarized by the Legal Services Division, contact Harriet Burke, Legal Services Division, P.O. Box 13528, Austin, Texas 78711. Copies will be edited to comply with confidentiality statutes.

Issued in Austin, Texas, on July 5, 1978.

Doc. No. 784466      Harriet D. Burke  
Hearings Section  
Comptroller of Public Accounts

Filed: July 5, 1978, 10:58 a.m.

For further information, please call (512) 475-2148.

## Texas Register Publication of Index; Notice of Schedule Variation

The July 18, 1978, issue of the *Texas Register* will be the second quarterly index for 1978. No other documents will be included in that issue. Publication of regular rules and meeting notices will resume with the July 21, 1978, *Register*.

The deadlines for submission of documents for the July 21 issue (Volume 3, Number 53) will be noon Friday, July 14, for all copy except notices of open meetings; the deadline for open meetings is noon Monday, July 17.

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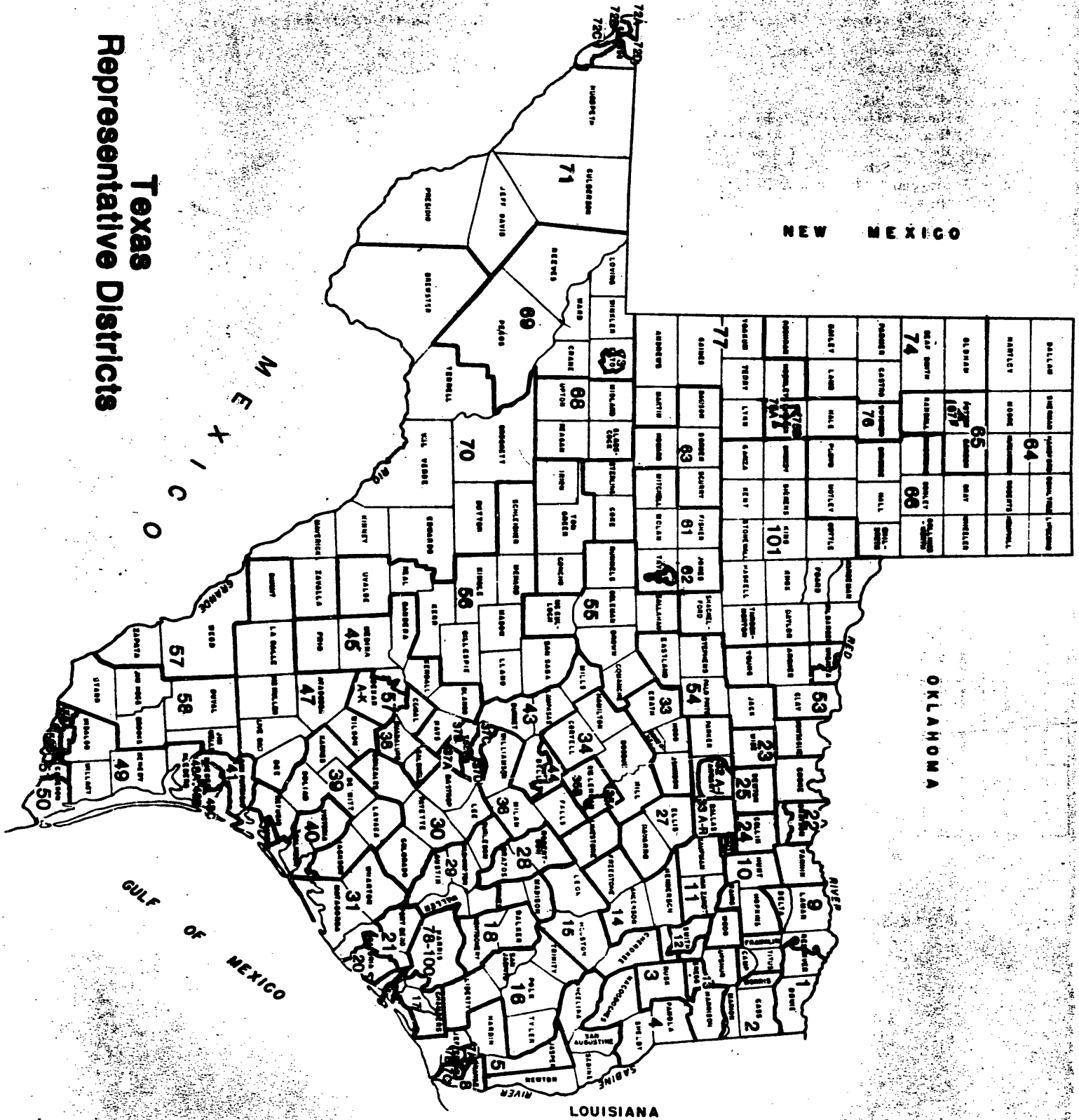
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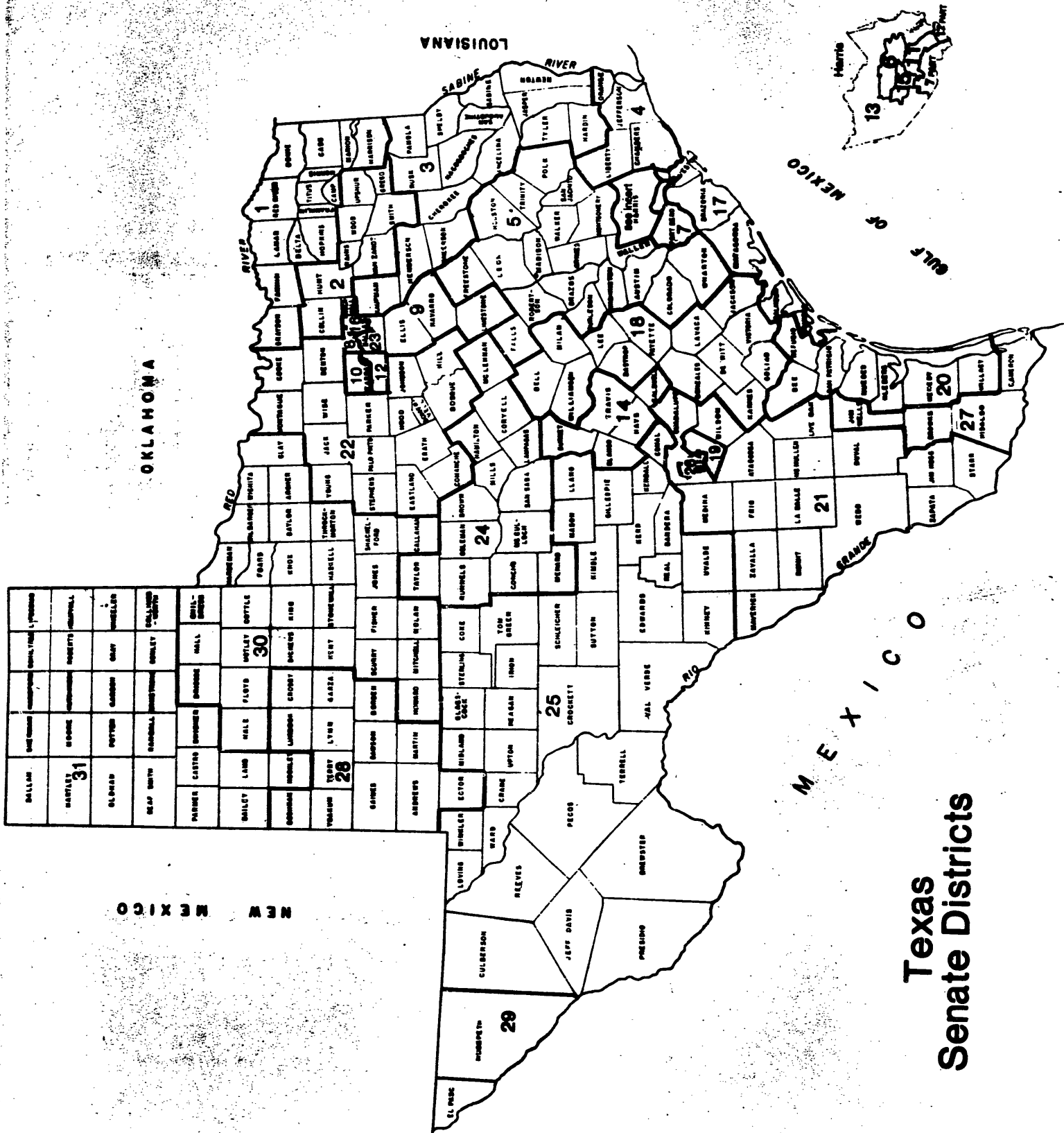
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