

TEXAS REGISTER

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Office of the Secretary of State

USPS Publication Number 120080

NOTES ON THE ISSUE

The Teacher Retirement System of Texas has formally adopted its policy for compensating members who have been wrongfully discharged. If a public education institution violates a contractual, statutory, or constitutional right when it dismisses an employee, that employee may make deposits and obtain credit for the period of unemployment by meeting certain requirements. The employee must obtain a certified copy of the final administrative or judicial decision which finds that he or she was wrongfully deprived of employment. No other compensation for lost retirement benefits may have been given to the employee who is seeking restored retirement credit. The member must also have begun formal action against the employer within two years of the violation and must not have withdrawn retirement contributions.

By law, the Texas Department of Health must file each year with the secretary of state a schedule of controlled substances. This list contains drugs and chemical entities which have potential for addiction or items being abused or having the potential for abuse. The state legislature originates the list, but through the Texas Controlled Substances Act, gives the commissioner of health the power to add or delete substances. Most of the decisions follow those made on the federal level by the Drug Enforcement Agency of the Justice Department. The Texas Department of Health has copies of the schedule available for public inspection. A notice of where the schedule is filed appears in the In Addition section.

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

Artwork: Gary Thornton

TEXAS REGISTER

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Secretary of State

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Appointments

Texas Animal Health Commission

For a six-year term to expire September 6, 1979:

Bobby Baros
P.O. Box 193C
Gonzales, Texas 78629

Mr. Baros is replacing E. Porter Halbert of San Augustine, San Augustine County, who is deceased.

Texas Health Facilities Commission

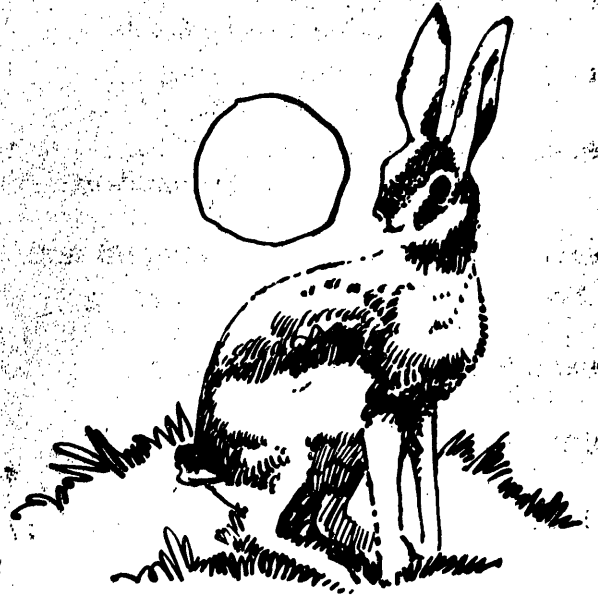
To be chairman:

Melvin Rowland
1134 North High
Uvalde, Texas

Issued in Austin, Texas, on September 15, 1978.

Doc. No. 786177 Dolph Briscoe
Governor of Texas

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



Requests for Opinions

Summary of Request for Opinion RQ-1972

Request from Henry D. Akin, Jr., Dallas.

Summary of Request: Is a survey of teachers on their employment attitudes public under the Open Records Act?

Doc. No. 786155

Opinions

Summary of Opinion H-1241

Request from Hal H. Hood, commissioner, Firemen's Pension Commission, Austin, concerning whether certain contributions can be refunded to a retired fireman.

Summary of Opinion: A fireman entitled to a disability pension may not receive a refund of compulsory pension contributions withheld for a period during which he is paid sick leave.

Doc. No. 786179

Summary of Opinion H-1243

Request from Henry Wade, district attorney, Dallas, concerning whether the county clerk is required to mail notice required by Section 36.13(e) of the Business and Commerce Code when the commissioners court has declined to appropriate money for that purpose.

Summary of Opinion: A county clerk has a duty to provide mailed written notice to all assumed name certificate holders under Section 36.13(e) of the Business and Commerce Code, and he is not relieved of this duty because of budget limitations. It is the duty of the commissioners court to furnish the clerk with funds sufficient to carry out his responsibilities under the statute.

Doc. No. 786118

Summary of Opinion H-1244

Request from Joe K. McGill, county attorney, Gaines County, Seminole, concerning whether Gaines County may spend funds to operate and maintain a day care facility.

Summary of Opinion: Neither Article 695a, Vernon's Texas Civil Statutes, nor Article 4418f, Vernon's Texas Civil Statutes, authorizes Gaines County to provide day care to all children, although each statute may authorize the county to provide day care to some children or under some circumstances. Legislation would be necessary to authorize counties to provide general day care services to all children.

Doc. No. 786180

Open Records Decisions

Summary of Open Records Decision ORD-205

Request from James B. Bond, general counsel, Texas A&M University System, College Station, concerning whether the names of victims of rape and attempted rape are required to be disclosed under the Open Records Act.

Summary of Decision: The names of victims of assaults, attacks, and rapes contained in the files of a university police department are excepted from disclosure under the Open Records Act by virtue of the Family Educational Rights and Privacy Act, 20 United States Code Annotated, Section 1232g(a)(4)(B)(ii), and regulations promulgated thereunder, 45 Code of Federal Regulations, Section 99.3. Since the records were excepted as student records, it was not necessary to determine if the names of rape victims would be excepted from disclosure by a common law or a constitutional right of privacy or as law enforcement records under Section 3(a)(8).

Issued in Austin, Texas, on September 18, 1978.

Doc. No. 786171

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

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

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

Numbering System—Each rule is designated by a unique 10-digit number which is divided into four units by decimal points. The first unit (three digits) indicates the agency which promulgates the rule. The second unit (two digits) indicates the 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 italics*. [Brackets] indicate deletion of existing material.



Texas Parks and Wildlife Department

Wildlife

Migratory Game Birds Proclamation, 1978-79, 127.70.02

The Texas Parks and Wildlife Commission adopts on an emergency basis amendments to emergency Rules 127.70.02.010 and .011, which are a part of the Migratory Game Birds Proclamation, 1978-79.

The commission is responsible for establishing seasons, bag limits, means, and methods for harvesting migratory game birds. Regulations for hunting migratory game birds may be set by the states only within a framework established by the U.S. Fish and Wildlife Service. The federal framework for species is not issued to the states until shortly before the season is established in order to base regulations on the most current biological data. Therefore, the commission hereby finds that an imminent peril to the public welfare and compliance with the federal framework requires implementation of these emergency amendments in order to prevent undue waste of a renewable resource and adopts these amendments and authorizes the executive director to implement these

amendments on an emergency basis and to file these amendments with the Office of the Secretary of State for publication in the *Texas Register* in compliance with Article 6252-13a, Texas Revised Civil Statutes.

These rules are promulgated under the authority of Chapter 64, Subchapter C, Texas Parks and Wildlife Code.

.010. *Open Seasons.*

(a) No person shall take migratory game birds except during the open season as provided herein, or at any time except during the hours as provided herein. All dates are inclusive.

(b) The season is closed on migratory game birds on public roads and highways, or rights-of-way of public roads and highways, and on state and federal wildlife preserves and sanctuaries unless an open season is otherwise provided.

(1)-(5) (No change.)

(6) *Ducks and coots.*

(A) *High Plains Mallard Management Unit: October 31, 1978, through January 21, 1979, from one-half hour before sunrise to sunset in that portion of Texas lying west of a line from the international toll bridge at Del Rio, thence northward following U.S. Highway 277 through San Angelo to Abilene, thence along State Highway 351 from Abilene to Albany and U.S. Highway 283 from Albany to Vernon, thence easterly along U.S. Highway 183 to the point of intersection with the Texas-Oklahoma state line in Wilbarger County.*

(B) *Other portions of the state: November 4 through November 26 and December 16, 1978, through January 21, 1979, from one-half hour before sunrise to sunset.*

(C) *Special provision. The season is closed on black-bellied whistling (tree) ducks, fulvous whistling (tree) ducks, and masked ducks in all counties, and is closed on canvasbacks and redheads in Brazoria, Chambers, Galveston, Harris, Jefferson, and Orange Counties.*

(7) *Geese.*

(A) *West of U.S. Highway 81: October 31, 1978, through January 21, 1979.*

(B) *East of U.S. Highway 81—snow, blue, and Ross' geese: November 4, 1978, through January 21, 1979. Canada and white-fronted geese: November 4 through December 8, 1978, and December 16, 1978, through January 21, 1979.*

(C) *Shooting hours—entire state: one-half hour before sunrise to sunset.*

(8) *Sandhill (little brown) cranes.*

(A) *Zone A: October 31, 1978, through January 31, 1979, from one-half hour before sunrise to sunset in that portion of Texas lying west of a line from the international toll bridge at Del Rio, Val Verde County; thence northward following U.S. Highway 277 to its junction with U.S. Highway 87 at San Angelo, Tom Green County; thence northwesterly following U.S. Highway 87, and including all of Howard and Lynn Counties, to its junction with U.S. 287 at Dumas, Moore County; thence northwesterly following U.S. Highway 287 to the point of intersection with Texas-Oklahoma state line in Dallam County.*

(B) *Zone B: December 5, 1978, through January 31, 1979, from one-half hour before sunrise to sunset in that portion of Texas lying west of a line from San Angelo along U.S. Highway 277 to Abilene, thence along State*

Highway 351 from Abilene to Albany and U.S. Highway 283 from Albany to Vernon; thence easterly along U.S. Highway 183 to the point of intersection with the Texas-Oklahoma state line in Wilbarger County, and east of a line from San Angelo along U.S. Highway 87 excluding all of Howard and Lynn Counties, to the junction of Highways 87 and 287 at Dumas, Moore County; and thence along U.S. Highway 287 from Dumas to the point of intersection with the Texas-Oklahoma state line in Dallam County.

(C) *Special provision.* A special permit, issued free of charge by the Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, is required of any person to hunt, shoot, or kill lesser sandhill cranes (little brown cranes) in areas where an open season is provided under this proclamation. Permits will be issued, upon written request, on an impartial basis with no limitation on the number of permits that may be issued.

(9) *Common snipe or Wilson's snipe or jacksnipe:* November 4, 1978, through February 18, 1979, from one-half hour before sunrise to sunset.

(10) *Woodcock:* November 18, 1978, through January 21, 1979, from one-half hour before sunrise to sunset.

.011. Bag and Possession Limits.

(a) No person may take or have in possession more than the bag and possession limits of each species of migratory game birds as provided herein.

(b) The bag and possession limits are as follows:

(1)-(5) (No change.)

(6) *Ducks and coots.*

(A) *Ducks.* The daily bag limit is from 1-10 ducks in the aggregate, the specific daily limit depending upon the sexes and species taken as determined by the following 100-point system: canvasbacks are 100 points, except the season is closed on canvasbacks and redheads in Brazoria, Chambers, Galveston, Harris, Jefferson, and Orange Counties. Hen mallards, Mexican-like ducks (only in the High Plains Mallard Management Unit), wood ducks, hooded mergansers, and redheads are 70 points each. Blue-winged teal, green-winged teal, cinnamon teal, pintail, gadwalls, scaups, shoveler, wigeon (baldpate), and mergansers, except hooded, are 10 points. All other species and sexes of ducks are 20 points in the High Plains Mallard Management Unit and 25 points in other portions of the state. The daily bag limit will be reached when the point value of any bird taken reaches or exceeds 100 points. Possession limit shall be the maximum number of birds or species and sex which could have legally been taken in two days.

(B) *Coots.* The daily bag limit on coots is 15. The possession limit is 30.

(7) *Geese.*

(A) *West of U.S. Highway 81:* daily bag limit is five, not to include more than one Ross' goose nor more than two Canada or white-fronted geese in the aggregate. Possession limit is five, not to include more than one Ross' goose nor more than four Canada or white-fronted geese in the aggregate.

(B) *East of U.S. Highway 81:* daily bag limit is five, not to include more than one Ross' goose nor more than either one Canada goose or one white-fronted goose.

Possession limit is five, not to include more than one Ross' goose nor more than two Canada or two white-fronted geese or one of each. No Canada or white-fronted geese may be taken during the period of December 9 through December 15, 1978.

(8) *Sandhill (litte brown) cranes.* Bag limit: three; possession limit: six.

(9) *Common snipe, Wilson's snipe, or jacksnipe.* Bag limit: eight; possession limit: 16.

(10) *Woodcock.* Bag limit: five; possession limit: 10.

(c)-(h) (No change.)

Issued in Austin, Texas, on September 18, 1978.

Doc. No. 786172 Maurine Ray
Administrative Assistant
Texas Parks and Wildlife Department

Effective Date: September 19, 1978

Expiration Date: January 17, 1979

For further information, please call (512) 475-4875.

Office of the Secretary of State Elections

Time and Place of Election 004.30.02

The secretary of state is enacting emergency Rule 004.30.02.101 to clarify which elections may be held on the first Tuesday after the first Monday in November of even-numbered years, pursuant to Article 2.01b(c), Vernon's Texas Election Code. This rule is being adopted on an emergency basis in order to prevent unauthorized elections from being conducted on November 7, 1978.

This rule is enacted under the authority of Article 1.03, Vernon's Texas Election Code.

.101. *Elections Prohibited on General Election Date.* No election of any type other than the election of state and county officers, the election of officers of a general-law city wherein the governing body of said city finds that the religious tenents of more than 50 percent of the registered voters of said city prohibit the adherents from voting in an election held on Saturday, and constitutional amendments submitted to the people by the legislature can legally be held on the first Tuesday after the first Monday in November in even-numbered years.

Issued in Austin, Texas, on September 15, 1978.

Doc. No. 786104 Steven C. Oaks
Secretary of State

Effective Date: September 15, 1978

Expiration Date: January 13, 1979

For further information, please call (512) 475-3091.

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.

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State Board of Barber Examiners

Practice and Procedure

Barber Colleges, Schools, and Students 378.01.02

The State Board of Barber Examiners is proposing an amendment to Rule 378.01.02.028 in order to simplify the form and have fewer reports, because the schools have been required to send a separate report sheet for each student.

The board and staff have determined that there will be no additional cost of enforcing or administering the amended rule due to the fact that the original rule has been in effect since March 28, 1976. The new form for reporting information on 10 students per page will require less storage space in the office.

Public comment on the proposed amendment is invited. Comments may be submitted in writing or by telephoning Charles F. Blackburn, executive secretary, 5555 North Lamar, H-111, Austin, Texas 78751, telephone (512) 458-2241.

This amendment is proposed under the authority of Articles 8401-8407 and 8407a, Texas Civil Statutes.

.028. Progress Report Barber School Monthly Records of Student Hours. [Student Progress Report Form.] **Progress Report Barber School Monthly Records of Student Hours** [The Student Progress Report form] will include:

(a) the words "**Progress Report Barber School Monthly Records of Student Hours**" ["Barber Student's Progress Report for the Month of _____ 19____"];

(b) **licensed teachers' names and license numbers** [name of students];

(c) **instructors' names and license numbers** [student certificate number];

(d) **name of school and address** [date of enrollment (first day attending classes)];

(e) **month and year** [part-time classification];
(f) **student names in alphabetical order** (10 per page) [full-time classification];

(g) a graph comprised of:

(1) a vertical heading of days of the month (1-31);

(2) **student certificate number** [a horizontal heading for hours acquired including "hours practical," "hours theory," "number hair cuts," "number shaves," and "progress"];

(3) **monthly hours acquired**;

(4) **previous hours**;

(5) **grand total hours**;

(6) **course**;

(h) **student's signature** [explanation of progress code, "E-Excellent, S-Satisfactory, F-Fair, U-Unsatisfactory"];

(i) **signed by instructor or school owner and notarized** [name of barber college];

(j) signature of school manager; and

(k) student's signature).

Doc. No. 786157

Examinations and Licensing 378.01.03

The State Board of Barber Examiners is proposing to amend Rule 378.01.03.014(b) in order to establish a definite amount of time for a student to return to school after having failed the practical part of an examination.

The board and staff have determined that there will be no additional cost of enforcing or administering the amended rule.

Public comment on the proposed amendment is invited. Comments may be made by writing or by telephoning Charles F. Blackburn, executive secretary, 5555 North Lamar, H-111, Austin, Texas 78751, telephone (512) 458-2241.

This amendment is proposed under the authority of Articles 8401-8407 and 8407a, Texas Civil Statutes.

.014. Failure of Examination.

(b) If the examinee failed the practical part of the examination, he or she shall return to the barber school or college for further study on the practical, **full time at 40 hours a week until the next examination** [before reapplying for examination].

Issued in Austin, Texas, on September 18, 1978.

Doc. No. 786158

Charles F. Blackburn
Executive Secretary
State Board of Barber Examiners

Proposed Date of Adoption: October 27, 1978

For further information, please call (512) 458-2241.

Texas Cosmetology Commission

General 381.14.00

The Texas Cosmetology Commission is initiating a new system of cosmetology student tracking by computer. To ensure a cohesive changeover from the manual system, several amendments are necessary to the existing general rules.

The proposed amendments have no fiscal implications on any person or agency (source: Cosmetology Commission staff).

Public comment on the proposed amendments is invited. Comments may be submitted to Ron Resech, executive director, 1111 Rio Grande, Austin, Texas, telephone (512) 475-3304.

The amendments are proposed under the authority of Article 8451a, Vernon's Annotated Civil Statutes, Section 4.

.010. Monthly Hour Report. On a form prescribed and furnished by the commission, the school will *have available for inspection* [file with the commission], no later than the 10th day of the month following, a record of hours acquired by each student during the preceding month.

.011. Definition of an Hour. An hour of creditable time is defined as 50 minutes of actual educational experience time. Actual education time is defined as classroom instruction, laboratory (floor) experience, or field trips under the supervision of a licensed instructor. Break times should be on a scheduled basis for lunch, coffee, etc., and shall not be counted as creditable time.

Note: The creditable time permitted when the (floor) facility is closed will be classroom instruction or field trips *under the supervision of a licensed instructor and when in conjunction with a class project* [in conjunction with cosmetology training].

.014. Identification of Students. Each school shall maintain in a conspicuous place *all student permits, with picture affixed, of students enrolled. If a student transfers or drops, the top two portions of the permit will be returned to the Cosmetology Commission in Austin.* [a list of names and identifying pictures of students who are qualified to work on a patron.]

.017. Transfer Registration. No student may transfer and claim credit for *previous hours until the proper transcript and the first two portions of the student permit are returned to Austin* [instruction unless a transcript of hours is attached to the transfer registration]. A student denied a transcript for transfer purposes who has satisfactory evidence of payment of the *pro rata* tuition in conformity with the provisions of rule and regulation No. 8 may apply to the Texas Cosmetology Commission office for a copy of the hours on record, and the receiving school may use these hours in accepting the transfer.

.019. Definitions of License Authorizations.

(j) Student permit. *A student permit authorizes the holder to practice cosmetology only in an approved school, and only after 10 percent of the required hours for graduation are accrued.*

.030. Re-Entry Students. *After a student has dropped for eight weeks or more, a new student permit and a new health certificate will be required. Public school students entering their second or third year of cosmetology need not obtain a new permit or health certificate when they return to school from summer break.* [After an absence of eight weeks or longer, a new health certificate not more than eight weeks old shall accompany the re-entry registration. Public vocational students who break for summer vacation will be required to obtain a new health certificate if the period extends for longer than eight weeks.]

.031. Acknowledgment of Registrations. *When a registration blank is received, a student permit will be mailed back to the school within seven days. Receipt of the permit will be your acknowledgment of registration.* [A list of student registrations prepared in duplicate shall accompany all registrations filed with the commission. The duplicate copy of the list will be receipted and returned to the school.]

.039. Models for Examination. Applicants for operator [and instructor] examination[s] will furnish an adult female model, *a slip-on hair piece, or mannequin. Applicants for the instructor examination will furnish an adult female model.* Manicurist models may be an adult male or female. Models will wear street clothes and may not be a licensed hairdresser.

Issued in Austin, Texas, on September 14, 1978.

Doc. No. 786101 Ron Resech
Executive Director
Texas Cosmetology Commission

Proposed Date of Adoption: November 1, 1978

For further information, please call (512) 475-3304.

Texas Education Agency Comprehension Instruction Standards for an Approved Course in Driver Education for Texas Schools 226.32.95

The Texas Education Agency proposes to amend Rule 226.32.95.100, concerning procedures for certifying that students have completed driver education courses. The proposed amendment occurs in Section (f) and concerns students who change schools during their driver education program. Such students may receive credit for hours completed provided they enter driver education in the new school within 60 days. The present rule says "not less than 60 days." The rest of the rule remains unchanged.

The Texas Education Agency anticipates that the proposed change in Rule 226.32.95.100 will not have state or local fiscal implications.

Public comment on the proposed amendment to Rule 226.32.95.100 is invited. Comments may be submitted by telephoning the office of Dr. J. B. Morgan, associate commissioner of Policies and Services, at (512) 475-7077, or by writing to him at 201 East 11th Street, Austin, Texas 78701. All requests for a public hearing on proposed rules must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This amendment is proposed under the authority of Section 16.177, Texas Education Code.

.100. Procedures for Student Certification.

(a)-(e) (No change.)

(f) When students change schools before completing the classroom or laboratory instruction, they shall receive credit for the hours completed, provided they enter *within* [in not less than] 60 days, and complete courses at least com-

parable to those in which they were first enrolled. The teacher of the course in which the student was originally enrolled shall execute driver education certificate Form DL-41A, attaching thereto a statement showing the number of hours completed; the teacher shall mail the certificate to the chief school official in the school to which the student is transferring. The second teacher, upon the student's completion of the course, will issue a second DL-41A certifying the student's instruction as explained above.

(g)-(j) (No change.)

Doc. No. 786183

Planning and Evaluation

Accreditation 226.37.12

(Editor's note: The text of the following rule proposed for repeal is not being published. The rule may be examined in the office of the Texas Register Division of the Secretary of State's Office, 503E Sam Houston Building, Austin, or in the office of the Texas Education Agency, 201 East 11th Street, Austin.)

The Texas Education Agency proposes to repeal Rule 226.37.12.010, concerning accreditation. A new set of principles and standards for accreditation was adopted by the State Board of Education in April 1977. The old standards, to which Rule 226.37.12.010 refers, remained in effect for certain school districts through the 1977-78 school year. All districts come under the new standards beginning with the 1978-79 school year. The new standards may be found in Rule Chapter 226.37.15.

The Texas Education Agency anticipates that the proposed repeal of Rule 226.37.12.010 will not have state or local fiscal implications.

Public comment on the proposed repeal of Rule 226.37.12.010 is invited. Comments may be submitted by telephoning the office of Dr. J. B. Morgan, associate commissioner of Policies and Services, at (512) 475-7077, or by writing to him at 201 East 11th Street, Austin, Texas 78701. All requests for a public hearing on proposed rules must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This repeal is proposed under the authority of Sections 11.26(a)(5) and 16.053, Texas Education Code.

.010. *The Principles and Standards for Accreditation—1974.*

Issued in Austin, Texas, on September 18, 1978.

Doc. No. 786128 M. L. Brockett
Commissioner of Education

Proposed Date of Adoption: October 27, 1978
For further information, please call (512) 475-7077.



Texas Department of Human Resources

Skilled Nursing Facility

(Editor's note: Proposals concerning the Skilled Nursing Facility chapter of rules are being published serially. Consecutive installments have appeared in the issues of September 15, 19, and 22 and continue in this issue and in the next issue. The proposed adoption date for all the serialized rules is October 16.)

The Department of Human Resources proposes numerous amendments, repeals, and additions to its Skilled Nursing Facility rules. The Long-Term Care Division of the department has completed new standards for participation for skilled facilities, necessitating comprehensive revision of the rules concerning those facilities.

Although there is substantive material involved, much of the rule revision is reorganization of existing policies and procedures. An example of this reorganization is the expansion of the subcategory of rules involving administrative services to include facility bylaws, financial audit procedures, and transfer agreements. Several subcategories of existing rules will be incorporated in the administrative services rules.

Many of the proposed repeals are a result of the reorganization of the standards. Most of the material being repealed, because of *Texas Register* format, will appear elsewhere as rule amendments or new rules.

Examples of new material in the standards include a section of rules requiring that skilled facilities provide or arrange for social services according to the needs, interests, and capacities of their residents. A patient activities section has also become a part of the required services to be offered. One change in rule material involves reference to the Texas Department of Health's Patient Care Unit. Because of legislative action, the social services monitoring agent is no longer a department medical assistance unit, but is now under the direction of the Health Department.

The department has determined that the cost of implementing the proposed rules and amendments will be approx-

imately \$477,175 for fiscal year 1979 and \$585,669 for fiscal year 1980. Budget recommendations for the following years are \$670,591 for fiscal year 1981; \$819,355 for fiscal year 1982; and \$938,161 for fiscal year 1983. There are no fiscal implications for units of local government.

Written comments are invited and may be sent to Susan L. Johnson, assistant chief, Systems and Procedures Bureau—327, Department of Human Resources, John H. Reagan Building, Austin, Texas 78701, within 30 days of publication in this *Register*.

Pharmaceutical Services 326.32.08.001-.003

The following amendments are proposed under the authority of Articles 695c and 695j-1, Texas Revised Civil Statutes:

.001. *Pharmaceutical Services Committee.*

(a) *The skilled nursing facility must have a pharmaceutical services committee which is responsible for developing* [for its equivalent] oversees pharmaceutical services in the facility and develops] written policies and procedures for safe and effective drug *disposition* [therapy], distribution, control, and use. The committee is *composed* [comprised] of at least a pharmacist, *registered nurse* [a director of nurses], the *facility administrator*, and the *medical director* [one physician]. The committee *must meet* [meets] at least quarterly and *must document* [documents] its activities, findings, and recommendations [(20 Code of Federal Regulations 405.1127(d))]. *Only medication administration procedures established by the pharmaceutical services committee shall be used in order to ensure that:*

(1) *drugs to be administered are checked against the physician's orders;*

(2) *the recipient-patient is identified prior to the administration of a drug;*

(3) *each recipient-patient has an individual medication record and the dose of drug administered to the recipient-patient is properly recorded therein by the person who has administered the drug.*

(b) The recipient-patient, his *or her* family, or [his] guardian shall have complete freedom of choice in selecting the pharmacy to fill prescriptions. This choice may not be abridged even if the facility maintains its own pharmacy.

(c) If the facility has a licensed pharmacy, a licensed pharmacist must administer it. If the facility does not have a pharmacy, *the facility* [it] must be able to [promptly] obtain prescribed drugs *promptly* [and biologicals] from a community or institutional pharmacy.

(d) *The skilled nursing facility shall have written policies and procedures for obtaining and administering drugs and biologicals in accordance with accepted professional principles and appropriate federal, state, and local laws. These services shall be provided through local pharmacies or a licensed pharmacy within the facility which has been approved for participation in the vendor drug program.*

(e) *Pharmaceutical services in the facility are under the general supervision of a qualified pharmacist who is responsible to the administrator for developing, coordinating, and supervising pharmaceutical services.*

(1) *If the pharmacist is not a full-time employee, the facility shall contract with a pharmacist to provide supervision of the facility's pharmaceutical services.*

(2) *The facility pharmacist must be a pharmacist as defined in the personnel rules of these standards.*

.002. *Procedures Concerning Pharmacy Service.*

(a) *Recipient-patients' medications must be properly labeled and stored in a locked medication room, [or] cabinet, or cart in or near* [at] the nurses' station. The label of each *recipient-patient's* individual medication container must *contain as a minimum* [clearly indicate]:

(1) the *recipient-patient's* full name;

(2) the prescribing *practitioner's* [physician's] name;

(3) the pharmacy prescription file number;

(4) the name and strength of the drug;

(5) the date of issuance (date the prescription was filled or refilled);

(6) the expiration date of all time-*dated* [date] drugs, *if the expiration date is less than one year from the date of issue;*

(7) the name, address, and telephone number of the pharmacy issuing the drug;

(8) warning labels if needed, *such as* [(Example:] "refrigerated" or "external use only"[]);

(9) [if] the label [is] on the container of a Controlled Substances Act drug [, it] must contain the following warning: "Caution: Federal law prohibits the transfer of this drug to any person other than the patient for whom it was prescribed";

(10) manufacturer's name and lot control number *for unit dose only* [(recommended but presently not required);

[(11) the number of authorized prescription refills remaining (recommended but presently not required);]

[(11)(12)] direction for use as indicated by *prescriber* [prescription].

(b) The medications of each patient must be stored in their original containers. Transferring between containers is illegal and forbidden.

(c) [The director of nurses or the charge nurse shall call the consulting pharmacist or issuing pharmacist and report any pharmaceutical error, such as a labeling error.

(d) The medication room, [or] cabinet, *or* medication storage area must have a separate, permanently attached cabinet, box, or drawer equipped with a lock to store drugs covered by Schedule II of the Controlled Substances Act of 1970 *as set forth in 21 Code of Federal Regulations 308.*

(d)(e) Medications requiring refrigeration must be stored in the medication room in a refrigerator used only for medicine storage or kept in a separate, permanently attached, locked *medical* [medication] storage box in a refrigerator near the *nurses'* [nursing] station.

(e)(f) Poisons and] Medications for external use only *or poisons* must be *stored separately* [locked in a medication room or cabinet and kept separate] from other medications *in the medication room or cabinet.*

(f)(g) Discontinued medications are to be sent to an *administrative* [the administrator's] office within 90 days of the date of discontinuance and disposition made in accordance with federal and state laws. Records of the disposition of these medications are to be kept.

(g)(h) Medications of deceased patients are to be sent to **an administrative** [the administrator's] office immediately, and disposition is to be made in accordance with federal and state laws. Proper records of the disposition of these medications are to be kept.

(h)(i) Medications which have passed an expiration date are to be sent to **an administrative** [the administrator's] office immediately and disposition made in accordance with federal and state laws. Records of the disposition of these medications are to be kept.

(j) If the physician has taken any drugs from his emergency kit or the seal on the kit is broken, the director of nurses or the charge nurse must notify the consulting pharmacist.

(i)(k) Medications may be released to **recipient-patients** on discharge or furlough only with written authorization of the **prescribing practitioner** [physician]. **Sufficient medication, properly labeled and inventoried** [Enough medicine] must be supplied to furloughed **recipient-patients** to last throughout the furlough. The medication must be prepared by a pharmacist, and all information on the original prescription label must appear on the furlough medication supply.

(j)(l) Order procedure.

(1) All medication must be ordered in writing by the **prescribing practitioner**. **If the order is given verbally** [patient's physician or if given orally], **it** must be taken from **the prescribing physician only** [a physician] by a licensed nurse, a pharmacist, or another physician. **The order** [Oral orders] must immediately be **recorded and** [written,] signed by the **person receiving it**. [licensed nurse, and] **Such orders must be** countersigned by the **attending** physician within 48 hours. **For verification of records in both the nursing facility and the pharmacy, copies of verbal orders are to be retained by each of the two providers.**

(2) The issuing pharmacist **must** [should] be notified at least 24 hours prior to the administration of **the** [a] **recipient-patient's** last dose of medicine **to allow** [. This allows] sufficient time for the **preparation and delivery of additional medication** [pharmacist to consult the physician about future orders].

(3) If the amount of medication or the time for discontinuance is not specified, the stop order procedure as detailed in **the facility's policies and procedures** or this section will apply. Orders not specific about amount, strength, or administration may not be transcribed as pharmacy orders.

(4) **All medication on current physicians' orders must be on hand for administration to the recipient-patient for whom it was prescribed.**

(5) **A record of medication ordered and received for each recipient-patient shall be maintained. This record shall include but not be limited to the following:**

- (A) **date and quantity ordered;**
- (B) **date and quantity received;**
- (C) **name and strength of medication;**
- (D) **recipient-patient's name;**
- (E) **issuing facility.**

(k)(m) Administration of medication.

(1) **All medications** [Drugs and biologicals] are to be administered only by [physicians,] licensed **medical or nursing personnel, or persons** [by other personnel] who have **passed** [completed] a state-approved **course for the administration of medication** [training program in medication ad-

ministration]. **Nonlicensed persons having completed a state-approved course for the administration of medication may administer medications within the scope of their training, if under the supervision of licensed nursing personnel.**

(2) **The nursing station must have items readily available for the identification and administration of the medication. The dosage and method of administration of each drug used must be recorded in the clinical record.** [Only medication administration procedures established by the Pharmaceutical Services Committee shall be utilized in order to ensure that:

[(A) drugs to be administered are checked against physician's orders;

[(B) the patient is identified prior to the administration of a drug;

[(C) each patient has an individual medication record and that the dose of drug administered to the patient is properly recorded therein by the person who administered the drug.]

(3) Drugs [and biologicals shall be administered as soon as possible after doses are prepared and] shall be administered by the same person who prepared the doses for administration, except under single unit dose package distribution systems. **The person administering the medication must ensure that the medication was in fact taken by the recipient-patient.**

(4) Medications prescribed for one **recipient-patient** may not be administered to any other **recipient-patient**.

(5) Administration and possession of legend and non-legend drugs by the **recipient-patient** is not permitted except for emergency drugs on special order of the **recipient-patient's** physician or in a pre-discharge program under the supervision of a licensed nurse.

(6) Medication errors and drug reactions must be reported immediately to the **director of nurses and/or charge nurse, prescribing practitioner, and facility** [patient's physician and the consulting or issuing] pharmacist. An entry of the incident and the subsequent reporting must be made in the **recipient-patient's** record. **An incident report shall be completed in accordance with the facility's policies.**

(7) Each [skilled] nursing facility must have up-to-date medication reference texts and sources such as the American Hospital Formulary Services of the American Society of Hospital Pharmacists or other reference material.

[(n) Drugs covered by the Controlled Substances Act of 1970.

(1) A separate record must be maintained for each drug covered by Schedules II, III, and IV of the Controlled Substances Act of 1970.

[(A) Schedule II drugs have a high abuse potential with severe psychic or physical dependence liability. Most drugs in this schedule have been identified previously as Class A narcotics. Examples are Demerol, morphine, amphetamines, methamphetamines, phenmetrazine, and methylphenidate. All drugs covered by Schedule II of the Controlled Substances Act of 1970 can be dispensed only after receiving a signed prescription. Examples: Demerol and morphine.

[(B) Schedule III drugs have an abuse potential less than those in Schedule II. Most drugs in this schedule have previously been identified as Class B narcotics.

(C) The Texas law varies from the federal law in that a new prescription is required each time an order is filled. No refills can be authorized for codeine-containing preparations such as Empirin Compound with codeine and ASA with codeine. This also applies to paregoric. Other examples are methyprylon, glutethimide, carbromal, pentobarbital sodium, secobarbital sodium, sodium butobarbital, butalbital, and amobarbital. All amphetamines and methamphetamine are included in Section II.

(D) Schedule IV drugs have an abuse potential somewhat less than those in Schedule III. Examples of this schedule are phenobarbital, chloral hydrate, meprobamate, and ethchlorvynol.

(2) The record for each drug must contain the following information: Rx number; name and strength of drug; date; time administered; name of patient; dose; physician's name; signature of person administering dose; balance verifiable by drug inventory.

(o) All pharmaceuticals are to be prescribed by the treating physician and labeled in accordance with existing federal and state laws and department standards.

(p) All medication orders which do not specifically indicate the number of doses to be administered or the length of time the drug is to be administered are automatically stopped after a given time period as shown below unless the physician has ordered an extension in writing.

(l)(q) Emergency drug and equipment tray.

(1) An emergency medication kit approved by the facility's group of professional personnel must be kept readily available. This emergency kit is the property and responsibility of the *treating* [consultant] *physician or medical director*.

(2) The treating [or consultant] *physician or medical director* may keep a [his] stock of emergency medication in a nursing *facility* [home] in a sealed kit with his name on it. It is then his *or her* responsibility to ask the nurse to administer a dose from his *or her* medication container to the [his] *recipient-patient*.

(3) The treating [or consultant] *physician or medical director* may give other treating physicians written permission to use his *or her* emergency medication.

(m)(r) Stop order policy.

Drug Type	Stop Order
antibiotics	5 days
antiemetics	5 days
cold preparations	5 days
cough preparations	5 days
sulfonamides	5 days
antineoplastics	1 week
dermatologicals	1 week
analgesic	1 month [2 weeks]
CSA Schedule II [narcotics]	2 weeks
spasmolytics	1 month [2 weeks]
anticonvulsants	1 month
antianemia drugs	1 month
antihistamines	1 month
CSA Schedule III and IV [barbiturates]	1 month
cardiovascular drugs	1 month
stool softeners [carthartics]	1 month
diuretics	1 month
hormones	1 month
laxatives [hypnotics]	1 month
psychotherapeutic and tranquilizing agents	1 month

sedatives	1 month
vitamins	3 months
anti-inflammatory drugs	1 month
corticoids	1 month
anabolic agents	1 month
antidiarrheals	1 month
anticoagulants	1 month

(s) Suggested emergency drug tray.

Medications		
[Adrenalin Chloride 1:1000	1cc	4 amps
[Aminophyllin (IV) 250 mg.	10cc	2 amps
[Amyl Nitrate Perles 0.3cc	2 perles	
[Aramine Bitartrate 10 mg./cc	10cc	1 vial
[Atropine Sulfate 0.4 mg./cc	20cc	1 vial
[Calcium Gluconate	10cc	1 amp
[Cedilanid-D 0.2 mg./cc	4cc	1 amp
[Coramine 250 mg./cc	5cc	2 amps
[Dextrose 50 percent	50cc	1 amp
[Isuprel 1:5000	5cc	1 amp
[Levophed Bitartrate 2 mg./cc	4cc	2 amps
[Lorfan Tartrate 1 mg./cc	10cc	1 vial
[Neosynephrine 10 mg./cc	1cc	4 amps
[Pronestyl HCL 100 mg./cc	10cc	1 vial
[Quinidine Gluconate 10 mg./cc	10cc	1 vial
[Sodium Bicarbonate 3.75 gm.	50cc	1 amp
[Water for Parenterals	30cc	1 vial

(t) Suggested emergency equipment tray.

- [Equipment:**
- [1 airway medium oral
 - [4 alcohol sponges (prewrapped)
 - [1 knife blade and knife handle (disposable)
 - [1 No. 18 gauge needle—1-1/2 inch
 - [1 No. 18 gauge needle, angiocath
 - [2 No. 21 gauge needles—1-1/4 inch
 - [1 No. 21 gauge needle, scalp vein
 - [1 No. 20 gauge needle—3 intracardiac
 - [1 resusitube
 - [1 50cc syringe (disposable)
 - [1 20cc syringe (disposable)
 - [1 tongue blade, padded (disposable)
 - [1 tourniquet
 - [1 local anesthetizing agent

(u) Suggested sterile supplies.

[Supplies (minimum):		
[gauze pads	2 x 2	6 each
	3 x 3	
	4 x 4	
[sterile syringes	2cc	3 each
[larger syringes—in emergency tray	5cc	
[sterile gloves		3 pair
[sterile levine tube		1 pack]

.003. Pharmacy Consultant's Medication Review.

(a) *The facility's pharmacist reviews the drug regimen of each recipient-patient at least monthly and reports any irregularities to the administrator and the Pharmaceutical Services Committee. Appropriate documentation must be entered in the recipient-patient's medical record to indicate the date of the drug review. The pharmacist submits a written report at least quarterly to the Pharmaceutical Services Committee on the status of*

the facility's pharmaceutical services and staff performance.

(b) A summary of each review must be signed and dated by the consultant and placed in an administrative record separate from the recipient-patient's clinical record. These reviews shall be easily accessible and maintained for as long as are other records of Title XIX recipient-patients. Any deviation from the physician's orders must be reported immediately to the physician, the administrator, and the director of nurses, and must be documented in the separate administrative record.

(c) The pharmacist maintains a permanent record of service consultation and recommendations for pharmacy procedures at the facility, as detailed in the facility's pharmaceutical policies and procedures.

[The monthly medication review must be conducted on the premises of the facility. The documentation may include:

- (a) date(s) and time of review;
- (b) signature and title of reviewer;
- (c) patient's name and number;
- (d) report of any discrepancies and action taken;
- (e) review of patient's orders, medications administered, the system used to deliver medications, etc.;
- (f) reports of any consultation with nurses.]

Doc. No. 785950

326.32.08.004

The following addition is proposed under the authority of Articles 695c and 695j-1, Texas Revised Civil Statutes:

.004. Pharmacy Consultation.

(a) Professional pharmaceutical consultation is provided by the facility's pharmacist, who shall devote a sufficient number of hours, based upon the needs of the facility, in such consultation. Facilities providing an average recipient-patient occupancy as shown below must obtain (as a minimum) the number of pharmacy consultant hours monthly as indicated:

- (1) 60 recipient-patients and fewer—4 hours;
- (2) 61-150 recipient-patients—5 hours;
- (3) 151 recipient-patients and above—6 hours.

Professional judgment shall dictate increased requirements in some cases (the length of each visit should be determined by the consultant pharmacist).

(b) The pharmacist must comply with all requirements of the Texas Department of Human Resources in the administration of the Medical Assistance Program under Title XIX. In addition to his or her usual pharmaceutical duties, the pharmacist shall perform other services of an advisory or educational nature related to pharmaceutical matters.

Doc. No. 785951

Personnel Policies 326.32.09.001, .005

The following amendments are proposed under the authority of Articles 695c and 695j-1, Texas Revised Civil Statutes:

.001. Written Personnel Policies.

(a) The facility administrator shall ensure that sufficient staff are on duty within the facility at all times to meet the health and safety needs of the recipient-patients. When the single state agency or state survey agency

determines that the staffing ratio is inadequate to meet the needs of the recipient-patients, the facility shall be considered as not in compliance with these standards and shall be subject to restrictions as stated elsewhere in these rules.

(b) The facility administrator shall develop and enforce written personnel policies and procedures that support sound patient care and personnel practices. The administrator, medical director, director of nursing, and other staff members shall formulate personnel policies. These policies shall include but are not limited to qualifications for positions, job descriptions, working hours, work schedules, vacations and sick leave, uniform allowances, and meals. Copies of all policies, practices, and procedures shall be posted and/or made available to all employees.

[Facilities must develop and enforce written personnel policies, practices, and procedures that adequately support sound patient care and which include qualifications for positions, job descriptions, working hours, work schedules, vacation and sick leave, uniform allowances, and meals. Copies of these policies shall be given to all employees.]

.005. Staff Development.

(a) The nursing facility must have a well-planned, organized, and active educational program designed to develop and improve the skills of all personnel employed within the institution. The facility must maintain a monthly record indicating the number of hours of staff development attended by the employees, along with a brief summary of the course content. Attendance records must be included with the employee's personal record and made available for review by appropriate state agencies upon request. The Staff Development Program will be designated to ensure that all employees, regardless of their assigned shifts, will be afforded the opportunity to continue to improve their skills, training, and progression within the organizational structure of the institution. [An in-service educational program shall be developed by the director of nursing services and may be subject to review by the Department of Public Welfare, the Department of Health Resources, and the Department of Health, Education, and Welfare.]

(b) The educational agenda must include the following programs to fulfill the minimum state and federal requirements: [Regularly planned staff meetings shall be conducted by the administrator and the director of nursing services and when possible, with the participation of a physician and the nursing staff.]

(1) Each new employee must undergo an orientation period conducted by a member of the administrative staff, as soon as it is feasible after the employee has reported for duty. The orientation presentation shall include:

(A) an explanation of the facility's management operation and administrative policies;

(B) orientation of the physical plant and grounds;

(C) a discourse on the significance of the employee's contribution and responsibility toward good recipient-patient care within the facility;

(D) a discussion on developing a better understanding of the problems caused by the aging process,

mental disabilities, and aspects which may be encountered during employment;

(E) specific information and instruction, including policies or procedures, appropriate for the position for which the individual was hired.

(2) An active in-service educational program, conducted at least monthly, must be provided within each department of the facility, and shall provide information to employees concerning:

(A) prevention and control of infection;

(B) safety, fire, and accident prevention;

(C) confidentiality of recipient-patient information;

(D) protection of the recipient-patient's privacy, dignity, and property rights;

(E) improvement of behavioral, communication, and technical skills;

(F) specific needs or interests of the staff, including use of community resources;

(G) leadership training incorporating administrative and supervisory principles essential to charge nurses, supervisors, and other administrative personnel.

(3) The program must provide for time periods allowing employee participation in outside workshops, seminars, and other educational programs. The facility must promote participation in continuing education programs for all employees.

Doc. No. 785952

326.32.09.002-.004

(Editor's note: The text of the following rules proposed for repeal is not being published. The rules may be examined in the office of the Texas Register Division of the Secretary of State's Office, 503E Sam Houston Building, Austin, or in the office of the Department of Human Resources, John H. Reagan Building, Austin.)

The following repeals are proposed under the authority of Articles 695c, and 695j-1, Texas Revised Civil Statutes:

.002. *Employee Personnel Records.*

.003. *Physical Condition of Personnel.*

.004. *Working Hours of Employees.*

Doc. No. 785953

326.32.09.006-.029

The following additions are proposed under the authority of Articles 695c and 695j-1, Texas Revised Civil Statutes:

.006. *Employment Procedures.*

(a) Individuals desiring employment with the facility must present a current (within one year) written certificate from a physician stating that the individual is free of communicable disease prior to employment.

(b) Licensure or registration verification. The nursing facility shall have written procedures for the verification of valid licensure and/or registration at the time of employment and at regular intervals thereafter for all full-time and part-time employees. A copy of each individual's current licensure and/or registration numbers shall be available in the facility at all times.

(c) Employee records. Each employee has a complete and current employment record which is kept confidential but is available to the employee concerned. This record contains:

(1) A dated application for employment which includes a resume of previous experience and training. There is documentation that the facility has verified references presented by the employee.

(2) A health record containing results of current and previous physical examinations, chest x rays, and illnesses and/or accidents occurring while on duty. There is evidence of at least annual updating which indicates current health status.

(3) Documentation in each personnel file of:

(A) review and explanation of policies and procedures;

(B) emergency, fire, and disaster plans;

(C) orientation to total facility as well as area of assignment;

(D) orientation of care and treatment relative to the aging process, mental health, and mental retardation as indicated by the facility population.

(4) Participation in staff development programs, including topics covered and follow-up evaluation of resulting performance.

(5) Periodic evaluations and counseling regarding work performance.

(6) Areas of assignment, reassignment, and all promotions received.

(d) Working hours of direct-care personnel. Except in an emergency, no employee involved in direct care of recipient-patients shall work in excess of eight hours per day or 48 hours per work week.

(e) Communicable disease, illness, and physical status. All employees must be in good health, have good personal hygiene and grooming habits, and be mentally and physically capable of performing the duties to which assigned. Employees must not be permitted to work when they have signs or symptoms of communicable disease, open or infectious skin lesions, or physical injury until evidence of such conditions no longer exists.

(f) Personnel qualifications.

(1) Employee assignments must be consistent with the individual employee's training and experience to ensure appropriate and safe care of the recipient-patients.

(2) The facility shall retain by written contract qualified individuals to provide active treatment, consultation, or services to recipient-patients in the institution.

(3) Specific minimum qualifications shall be maintained during the selection and hiring of individuals for employment with the facility.

.007. *Accredited Record Technician (ART).* A person who has completed an approved education program, passed the accreditation examination conducted by the American Medical Record Association, and who has maintained status with AMRA as an ART.

.008. *Activities Director.*

(a) A staff member suited by training and experience who is responsible for planning, coordinating, and directing the patient activities program.

(b) A qualified activities director must be a person who meets one of the following criteria:

(1) Is a qualified therapeutic recreation specialist registered by the Texas Recreation and Parks Society and is licensed or registered, if applicable, by the State of Texas.

(2) Is a qualified occupational therapist and is defined as a person who:

(A) is a graduate of an occupational therapy curriculum accredited jointly by the Council on Medical Education of the American Medical Association and the American Occupational Therapy Association; or

(B) is certified by the American Occupational Therapy Association under its requirements in effect on the publication of this provision; or

(C) has two years of appropriate experience as an occupational therapist and has achieved a satisfactory grade on the proficiency examination approved by the Department of Health, Education, and Welfare, except that such determination of proficiency shall not apply with respect to persons seeking initial qualifications as occupational therapists after December 31, 1977.

(3) Is a qualified occupational therapist assistant and defined as a person who is certified as an occupational therapy assistant (COTA) by the American Occupational Therapy Association under its requirements in effect at the time of publication of this provision.

(4) Has a high school diploma or equivalency certificate with two years of experience in social or recreational programs within the last five years, one year of which was full time in a patient activities program in a health care setting. After September 1, 1978, this individual must have successfully completed a state-approved, certified course of instruction on patient activities.

(5) An individual who is exempt from completion of the state-approved course is:

(A) a person employed in an activities director position since January 1, 1976, with two years experience in that position;

(B) a person who has successfully completed a minimum 36 clock-hour activities director course prior to August 31, 1978, which is sponsored by an accredited educational institution or professional group or association;

(C) an individual who does not meet the above criteria may serve in the capacity of an activities director with consultation from a person meeting the above described qualifications if he or she successfully completes the state-approved and certified activities director course within six months after beginning employment;

(D) all activities directors must successfully complete 12 clock-hours of approved continuing education or equivalent continuing education units (1.2) each year, after September 1, 1978.

.009. Activities Director (Qualified Consultant).

(a) Is a qualified therapeutic recreation specialist registered by the Texas Recreation and Parks Society and is licensed or registered, if applicable, by the State of Texas.

(b) Is a qualified occupational therapist and is defined as a person who:

(1) Is a graduate of an occupational therapy curriculum accredited jointly by the Council on Medical Education of the American Medical Association and the American Occupational Therapy Association; or

(2) Is certified by the American Occupational Therapy Association under its requirements in effect on the publication of this provision; or

(3) Has two years of appropriate experience as an occupational therapist and has achieved a satisfactory grade on the proficiency examination approved by the Department of Health, Education, and Welfare, except that such determination of proficiency shall not apply with respect to persons seeking initial qualifications as an occupational therapist after December 31, 1977.

(4) Is a qualified occupational therapy assistant and defined as a person who is certified as an occupational therapy assistant (COTA) by the American Occupational Therapy Association under its requirements in effect at the time of publication of this provision.

(5) Has a high school diploma or equivalency certificate with two years of experience in social or recreational programs within the last five years, one year of which was full time in a patient activities program in a health care setting. After September 1, 1978, this individual must have successfully completed a state-approved, certified course of instruction on patient activities.

(c) An individual who is exempt from completion of the state-approved course is:

(1) a person employed in an activities director position since January 1, 1976, with two years experience in that position;

(2) a person who has successfully completed a minimum 36 clock-hour activities director course, which is sponsored by an accredited educational institution or professional group or association, prior to August 31, 1978.

.010. Administrator. An individual currently licensed by the Texas Board for Licensure of Nursing Home Administrators.

.011. Advisory Dentist. An individual currently licensed as a doctor of dentistry or doctor of dental surgery by the Texas State Board of Dental Examiners.

.012. Charge Nurse.

(a) A registered nurse currently licensed to practice in Texas by the State Board of Nurse Examiners; or

(b) A licensed vocational nurse currently licensed by the State Board of Vocational Nurse Examiners; or

(c) If license was by waiver, the individual must have passed the Public Health Service Proficiency Examination for practical (vocational) nurses.

.013. Dietetic Service Supervisor.

(a) A qualified dietitian and a member of the American Dietetic Association; or

(b) A graduate home economist with a baccalaureate degree with major studies in foods and nutrition, food service management, or diet therapy; or

(c) A dietetic technician with an associate of arts degree from an accredited college whose course adheres to the American Dietetic Association criteria; or

(d) A dietetic assistant who has successfully completed an approved American Dietetic Association 90-hour supervisor's course and is eligible for membership in the Hospital, Institution, Education Food Service Society (HIEFSS); or

(e) An individual who has successfully completed a state-approved dietetic service supervisor's 90-hour course and preceptorship training and has food service experience in a health care institution; or

(f) An individual with military training and experience in food service supervision equivalent in content to (c), (d), or (e) above and whose training credentials have been approved

by the chief nutritionist, Nursing and Convalescent Homes Division, Texas Department of Health.

(g) All of the above shall annually participate in appropriate continuing education as follows: (1) dietitian (a)—15 hours as required for registration by the American Dietetic Association, (2) nondietitians (b)-(f)—eight hours annually. A record of these hours must be maintained in the facility for state agency review and verification.

.014. Dietary Consultant (Qualified).

(a) An active registered member of the American Dietetic Association (R.D.) meeting the requirements currently in effect and have had one year of supervisory experience in dietetic services in a health care institution; or

(b) An active member of the American Dietetic Association (nonregistered) and have had one year of supervisory experience in dietetic services in a health care institution; or

(c) An individual who has a baccalaureate degree with major studies in food and nutrition, diet therapy, and food service management and who has had one year of supervisory experience in dietetic services in a health care institution. These persons must have their credentials evaluated and be approved as dietary consultants by the chief nutritionist, Nursing and Convalescent Homes Division, Texas Department of Health.

(d) All qualified dietary consultants shall complete annually 15 hours of appropriate continuing education. Registered dietitians shall report these to the American Dietetic Association in accordance with current requirements. Nonregistered dietitians and other approved dietary consultants shall report continuing education hours to the chief nutritionist, Nursing and Convalescent Homes Division, Texas Department of Health.

.015. Director of Nurses.

(a) A registered nurse currently licensed by the Texas State Board of Nurse Examiners.

(b) Have had one year of additional education or experience in nursing service administration and supervision, as well as additional education or experience in such areas as rehabilitation, gerontological, or mental health nursing, and participates in a continuing nursing education program for a minimum of eight hours annually. Continuing education courses should include nursing administration, staff development, and medication therapy.

.016. Facility Pharmacist.

(a) An individual currently licensed by the Texas State Board of Pharmacy and free from any pharmacy board restriction.

(b) Have three years experience as a practicing pharmacist, or have training or experience in the specialized functions of an institutional pharmacy, or have participated in hospital or institutional pharmacy seminars and related training programs.

.017. Medical Director. A physician currently licensed as a doctor of medicine or a doctor of osteopathy by the Texas State Board of Medical Examiners with whom the facility has entered into a written agreement for the provision of medical direction.

.018. Medical Record Practitioner (Qualified Consultant). Be an active registered record administrator (RRA) or an active accredited record technician (ART).

.019. Occupational Therapist (Qualified Consultant).

(a) Be a graduate of an occupational therapy curriculum accredited jointly by the Council on Medical Education of the American Medical Association and the American Occupational Therapy Association; or

(b) Be eligible for certification by the American Occupational Therapy Association under its requirements; or

(c) Have two years of appropriate experience as an occupational therapist and have achieved a satisfactory grade on a proficiency examination approved by the Secretary of Health, Education, and Welfare. Such determinations of proficiency shall not apply with respect to persons initially licensed by a state or seeking initial qualifications as an occupational therapist after December 31, 1977.

.020. Occupational Therapy Assistant. An individual eligible for certification as a certified occupational therapy assistant (COTA) by the American Occupational Therapy Association under its requirements, or have two years of appropriate experience as an occupational therapy assistant, and have achieved a satisfactory grade on a proficiency examination approved by the Secretary of Health, Education, and Welfare. Such determination of proficiency shall not apply with respect to persons initially licensed by a state or to those persons seeking initial qualification as an occupational therapy assistant after December 31, 1977.

.021. Physical Therapist (Qualified Consultant). An individual currently licensed as a physical therapist by the State of Texas.

.022. Physical Therapist Assistant. An individual currently licensed as a physical therapist assistant, if applicable, by the State of Texas. Have graduated from a two-year college-level program approved by the American Physical Therapy Association, or have had two years of appropriate experience as a physical therapist assistant, and have achieved a satisfactory grade on a proficiency examination approved by the Secretary of Health, Education, and Welfare. Such determination of proficiency shall not apply with respect to persons initially licensed by a state or persons seeking initial qualification as a physical therapist assistant after December 31, 1977.

.023. Physician. A doctor of medicine or a doctor of osteopathy currently licensed to practice medicine in the State of Texas.

.024. Registered Record Administrator (RRA). An individual who has successfully completed an approved education program, passed the accreditation examination conducted by the American Medical Record Association, and maintained status with AMRA as an RRA.

.025. Social Services Director (Social Worker-Qualified Consultant). A graduate of a school of social work accredited or approved by the Council on Social Work. Have at least a bachelor of science degree and one year of social work experience in a health care setting.

.026. Social Worker (Qualified Consultant). A graduate of a school of social work accredited or approved by the Council on Social Work Education. Have had one year of social work experience in a health care setting.

.027. Speech Pathologist or Audiologist (Qualified Consultant). An individual licensed, if applicable, by the State of

Texas, eligible for a certificate of clinical competence in the appropriate area (speech pathology or audiology) granted by the American Speech and Hearing Association under its requirements, or have met the educational requirements for certification, and be in the process of accumulating the supervised experience required for certification.

.028. Therapeutic Recreation Specialist (Qualified Consultant). An individual licensed or registered, if applicable, by the State of Texas, and eligible for registration as a therapeutic recreation specialist by the National Therapeutic Recreation Society (branch of National Recreation and Park Association) under its requirements.

.029. Use of Outside Resources.

(a) If the facility does not employ a qualified individual to provide a specific service, it shall make arrangements for such a service to be provided by an outside resource—a person or agency that will render direct services to recipient-patients or act as a consultant to the facility.

(b) The facility shall have available a written agreement with any outside resource retained to advise the facility or provide direct services to recipient-patients which specifies at a minimum:

- (1) responsibilities of both the facility and the consultant;
- (2) licensing and/or registration numbers or other qualifications of the consultant;
- (3) a description of the type of service to be provided;
- (4) financial arrangements and charges, including travel expenses;
- (5) the amount of time or extent of service to be given by the consultant to the facility;
- (6) duration of the agreement;
- (7) signature of facility administrator and the person or agency providing the service;
- (8) date agreement entered into.

(c) The outside resource, when acting as a consultant, appraises the administrator of findings, recommendations, plans for implementation, and continuing assessment through dated, signed reports which are retained by the administrator for follow-up action and evaluation of performance.

Doc. No. 785954

Professional Consultants 326.32.10

(Editor's note: The text of the following rules proposed for repeal is not being published. The rules may be examined in the office of the Texas Register Division of the Secretary of State's Office, 503E Sam Houston Building, Austin, or in the office of the Department of Human Resources, John H. Reagan Building, Austin.)

The following repeals are proposed under the authority of Articles 695c and 695j-1, Texas Revised Civil Statutes:

- .001. *Physician.*
- .002. *Dietary Consultant.*
- .003. *Medical-Social Consultant.*
- .004. *Pharmaceutical Consultant.*
- .005. *Medical Records Consultant.*
- .006. *Patient Activities Consultant.*
- .007. *Consultant Review.*
- .008. *Accredited Records Technician.*

- .009. *Review of Medical Records.*
- .010. *Medical Record Consultation.*
- .011. *Medical Record Services Supervisor.*

Doc. No. 785955

Utilization Review 326.32.11.001, .011-.016

The following amendments are proposed under the authority of Articles 695c and 695j-1, Texas Revised Civil Statutes:

.001. Skilled Nursing Facility Utilization Review Committee Plan.

(a) *The nursing facility shall have a written, currently applicable utilization review plan, which shall be approved by the governing body and the medical director or organized medical staff (if applicable). The overall objective of the plan shall be the maintenance of high quality recipient-patient care and the insurance of appropriate and efficient use of facility services.*

(b) *The basic elements of utilization review activities shall be the review of extended stay cases and medical care evaluation studies to determine the efficiency and appropriateness of care and services within the facility.*

[Each Title XIX skilled nursing facility has an option as to whether utilization review activities for Title XIX (Medicaid) recipients will be conducted by an approved utilization review committee or the Department of Public Welfare's field-based medical assistance unit (MAU). Approval of the utilization review committee must be obtained from the Utilization Control Section of the medical assistance unit of the single state agency prior to reimbursement for these services. If the utilization review committee performs these activities for a skilled nursing facility, such activities will be accomplished as outlined in Rules 326.32.11.002-.010.]

.011. [Skilled Nursing Facility MAU] Utilization Review by Patient Care Unit [Plan]. *Those facilities receiving utilization review services through the patient care unit shall develop a written utilization review plan which contains, as a minimum, the information contained in Rules 326.32.11.012-.017. [Each Title XIX skilled nursing facility has an option as to whether utilization review activities will be conducted by an approved utilization review committee or the Department of Public Welfare's field-based medical assistance unit. If the medical assistance unit performs these activities for a skilled nursing facility, such activities will be accomplished as outlined in Rules 326.32.11.012-.017.]*

.012. Plan Objectives.

(a) *To promote [Promotion of] high quality recipient-patient care to meet the needs of the individual in the facility.*

(b) *To determine that needed services are provided on an ongoing basis.*

(c) *To ensure that services provided were necessary.*

(d) *To review plan of care and postcare planning activities.*

(e) *To participate in studies to identify patterns of care that are ineffective and assist in establishing more efficient provision of services through educational programs.*

.013. Patient Care (Medical Assistance) Unit UR Composition.

(a) Each *PCU* [MAU] utilization review committee will consist of the following:

(1) All physicians in the unit. If the unit has only one physician, then a State Office physician will be the second physician member.

(2) Registered nurses in the unit.

(3) Medical-social consultant in the unit.

(b) A physician *shall* [will] be available for consultation relating to utilization review activities.

(c) The *PCU* [MAU] physician will receive technical and administrative supervision from the *director, Patient Care Services Division, Texas Department of Health* [deputy commissioner for Medical Programs through the appropriate State Office division staff].

.014. Criteria. Professionally developed written criteria *shall* [will] be used to evaluate the necessary health care services. *These* [This] criteria will be based on current regional health care delivery norms. Such criteria will be developed and maintained by the State Office [medical assistance unit] of the *Texas Department of Human Resources* [single state agency].

.015. Operational Methods. Utilization review activities shall be the responsibility of the *PCU* [MAU] physician.

(a) Responsibility may be delegated to the *PCU* [MAU] nurses for the review of patient care activities and establishment of initial and continued stay in accordance with the professionally developed written criteria.

(b) Patients having conditions not listed in the criteria *shall* [will] require a *PCU* [MAU] physician to establish the initial or continued stay.

(c) Alternate care assessments will be accomplished by the appropriate [DPW] staff of the *Texas Department of Human Resources or the Texas Department of Health*.

.016. Medical Care Evaluation Studies.

(a) A continuous program of medical care evaluation studies *shall* [will] be conducted by the *Surveillance and Utilization Control Division* [Section] of the *Texas Department of Human Resources* [State Office MAU]. At least one study will be in progress at all times and at least one study *shall* [will] be completed each year.

(b) The *Surveillance and Utilization Control Division* *shall* [Section will] communicate to facilities the results of MCE studies through newsletters or memos, as appropriate.

(c) *The Surveillance and Utilization Control Division* [Section] of the *Texas Department of Human Resources* *shall* [MAU will] maintain a file on these studies that includes the following information:

(1) methods used to select the MCE studies;

(2) objectives of each study;

(3) methods of conducting each study, including sources of information to be used;

(4) findings of each study;

(5) documentation of actions taken as a direct result of the findings.

Doc. No. 785956

Utilization and Medical Review of Care and Services 326.32.11.002-.009, .018

(Editor's note: The text of the following rules proposed for repeal is not being published. The rules may be examined in the office of the Texas Register Division of the Secretary of State's Office, 503E Sam Houston Building, Austin, or in the office of the Department of Human Resources, John H. Reagan Building, Austin.)

The following repeals are proposed under the authority of Articles 695c and 695j-1, Texas Revised Civil Statutes:

.002. *Plan Objectives.*

.003. *Organization of the Utilization Review Committee.*

.004. *Criteria.*

.005. *Meetings.*

.006. *Internal Records and Reports.*

.007. *External Records and Reports.*

.008. *Medical Care Evaluation Studies (MCE).*

.009. *Confidentiality.*

.018. *Periodic Medical Review and Medical Inspections in Skilled Nursing Facilities.*

Doc. No. 785957

**Transfer Agreement with Hospitals
326.32.12.001-.003**

(Editor's note: The text of the following rules proposed for repeal is not being published. The rules may be examined in the office of the Texas Register Division of the Secretary of State's Office, 503E Sam Houston Building, Austin, or in the office of the Department of Human Resources, John H. Reagan Building, Austin.)

The following repeals are proposed under the authority of Articles 695c and 695j-1, Texas Revised Civil Statutes:

.001. *Transfer Agreement.*

.002. *Provisions.*

.003. *Reciprocal Agreements.*

Doc. No. 785958

Medical Direction 326.32.12.004-.006

The following additions are proposed under the authority of Articles 695c and 695j-1, Texas Revised Civil Statutes:

.004. *Medical Director.* Medical direction and coordination of medical care in the facility shall be provided by the medical director. This physician shall be responsible for the overall coordination of medical care in facilities to ensure the adequacy and appropriateness of the medical services provided to recipient-patients and to maintain surveillance of the health status of employees.

.005. *Duties and Responsibilities.* The duties and responsibilities of the medical director include but are not limited to:

(a) Liaison with other physicians to provide continuous quality medical care to all recipient-patients.

(b) Periodic evaluation of adequacy and appropriateness of nursing and supportive staff as evidenced by the care

given and the manner in which recipient-patients' needs are met.

(c) Responsibility for development of written bylaws, rules, and regulations which are approved by the governing body and which pertain to and delineate the responsibilities and the method for determining admitting privileges of the attending physicians. These may be incorporated into the overall bylaws of the facility.

(d) Active participation in the development and periodic reviews of policies to govern recipient-patient care and related medical or other services provided by the facility.

(e) Participation in the development and periodic reviews of that portion of the facility's personnel policies which pertain to health status of employees.

(f) Surveillance of the health status of the facility's employees and implementation of methods that ensure freedom from infection and periodic health examinations. Participation in in-service health training sessions.

(g) Review of reports of incidents and accidents (recipient-patients and personnel):

- (1) analyzes to see if a pattern is developing;
- (2) participates in the development of a program to reduce or eliminate hazards which may have been causative;
- (3) considers aspects of safety for both recipient-patients and personnel.

(h) Participation in committee and staff meetings:

(1) is a member of and participates in all standing committee meetings (pharmaceutical services committee, infection control committee, patient care policies committee, and utilization review committee);

(2) attends and participates in staff meetings, when possible;

(3) in those facilities choosing to have a utilization review committee, ensures that the committee is developed and functions adequately;

(4) participates with the utilization review committee in the development of revised policies and procedures as appropriate to the needs of the facility;

(5) participates with the committee in the design and conduct of the medical care evaluation studies.

(i) Participation in surveys and reviews:

(1) attends Texas Department of Health medical review and independent professional review exit briefings, when appropriate;

(2) attends survey exit briefings by the Texas Department of Health, when possible;

(3) attends exit briefings by consultants, when possible;

(4) reviews written reports of surveys, inspections, and consultative visits of agency personnel and makes recommendations to the administrator.

(j) Assurances that emergency care is available to the facility through participation in the organization and arrangement of such services with the physician of the community who have recipient-patients in the facility or are part of the facility's medical staff.

(k) Recommendations to the administrator for implementation of improvements in or corrections of staff performance and facility or recipient-patient care policies and procedures which will result in better recipient-patient care and personnel morale.

.006. Frequency of Visits. The medical director serves the total facility as well as the distinct skilled part in a multilevel

care facility. The amount of time spent in the facility shall be established according to the needs of the recipient-patients and the facility, as indicated by the manner in which those needs have been met. In any event, the medical director will be required to make at least monthly visits to the facility. The frequency and length of visits expected shall be indicated in the facility's policies and procedures and in the contract between the facility and the medical director.

Doc. No. 785959

Medical Records Service

326.32.13.001-.003, .006, .012

The following amendments are proposed under the authority of Articles 695c and 695j-1, Texas Revised Civil Statutes:

.001. Content of Medical Records [Clinical Record].

(a) *The medical record contains sufficient information to identify the recipient-patient clearly, to justify the diagnosis and treatment, and to document the results accurately.* A separate [clinical] record must be maintained by the facility for each recipient-patient admitted. All entries must be *typed or in ink*, current, dated, and signed. The [record should contain an] identification [and] summary sheet *shall include* [and medical information which includes]:

- (1) [full] name of recipient-patient (first, middle, last);
- (2) *usual residence* (home address):
 - (A) state;
 - (B) county;
 - (C) city or town [(if outside city limits, give precinct number)];
 - (D) street address (if rural, give location);
 - (E) zip code;
- (3) social security number;
- (4) *DHR [DPW] program case number and individual recipient number*;
- (5) Medicare claim number *(if applicable)*;
- (6) marital status;
- (7) date of birth;
- (8) sex;
- (9) religion;
- (10) ethnic group;
- (11) usual occupation (kind of work engaged in most of working life, even if retired);
- (12) kind of business or industry;
- (13) birthplace;
- (14) father's name;
- (15) mother's maiden name;
- (16) dates of service in U.S. armed forces *and branch of service (if applicable)*;
- (17) [name, address, and telephone number of] referral agency *or facility* [(and hospital] from which admitted[]);
- (18) *name of personal physician; alternate when applicable*;
- (19) name of *personal* dentist;
- (20) *name of other personal professionals*;
- (21)(20) next of kin or other responsible person;
- (22) *date of admission*;
- (23)(21) admitting diagnosis;
- (24) *date of discharge*;
- (25)(22) final diagnosis;

- (26)(23) disposition;
 (27) condition on discharge;
 (28)(24) if appropriate, name of funeral home;
 (29)(25) other useful identifying data.

002. *Medical Information.* Medical information *will* [should] include:

(a) Initial medical evaluation, including history, physical examination, *mental status*, diagnoses, and an estimate of *rehabilitation* [restoration] potential. History and physical examination of each *recipient-patient* must be completed by the physician *within five days* prior to admission [if possible,] or within 48 hours after admission.

(b) *Reports of treatment and special procedures, such as laboratory and x-ray reports, dental reports, medically related consultation reports, patient care referral reports, etc.* [Authentication of hospital diagnoses. This may be in the form of a hospital summary discharge sheet, a report from the patient's hospital attending physician or a transfer form used under a transfer agreement.]

(c) Physician's current orders, including all medication, treatment, diet, restorative, and special medical procedures required for the safety and well-being of the patient. *Physicians' standing orders must be listed on the same order sheet as his or her regular orders. If the standing orders are listed on the back of the sheet, they must be separately signed and dated.* Physician's orders must be current upon admission and readmission to the facility and signed by the physician.

(d) *Total plan of care. The total plan of care, including input from all disciplines responsible for the care and treatment of the recipient-patient, shall be included in the recipient-patient's medical record. (During the recipient-patient's stay, the plan of care may be maintained physically separate from the active medical record at the nurses' station. However, the plan must be filed with the recipient-patient's closed medical record upon discharge and retained for the applicable period of time.)* [A medical-social care plan explaining the precise reason for placement and containing documentation that the plan is reassessed periodically. The plan shall suggest alternate methods of patient care, such as family care, a social care institution, home health aids, or homemaker service. Alternate care methods must be formulated by the admitting physician, the nurse, and the caseworker. The plan must also specify the medical-social plan of treatment for the patient. The clinical record must indicate that care is authorized only upon recommendation of a physician.]

(e) There must be *timely and descriptive* [adequate] progress notes in the *medical* [clinical] record by the physician, *social workers, therapists, and any other professional giving care or making observations and assessments* [and by the charge nurse of the physician's visits to the patient after each visit or consultation]. *These must be written and signed at the time of each visit or consultation. Each professional signs his or her entries into the medical record.*

(f) There must be evidence in the *medical* [clinical] record that the physician has made arrangements for the medical care of the *recipient-patient* in the physician's absence; specific instructions about how much care may be obtained should be included.

(g) Nurses' notes containing observations shall be made by nursing personnel on each of the three shifts for

each 24-hour period. Nurses' notes shall show the following (list not considered all inclusive):

(1) exact and current record of each *recipient-patient*, including date, hour, and how admitted; known allergies, adverse drug reactions or idiosyncrasies; PRN medications (dosage, method, and by whom administered, *reason for giving, and results*); treatments and results; diet; elimination; fluid intake; mental status; complaints; changes in clinical signs and behavior; when and how dismissed;

(2) data which gives attending physician definite, current information regarding status of *recipient-patient*;

(3) documentation to determine accurate level of care for vendor payment;

(4) documentation for accurate *recipient-patient* profile—this will be used by *patient care* [medical assistance] unit personnel when conducting on-site periodic medical inspections and reviews;

(5) documentation to provide complete transfer summary if *recipient-patient* is admitted to another facility (hospital, another nursing facility, etc.);

(6) documentation for best interest of both facility and *recipient-patient* (record of known allergies, etc.) if *he or she is* [patient] readmitted to nursing facility.

(h) Nurses' notes *are legal documents and shall* [may] be used to provide accurate and documented records for protection of both the facility and staff in the event of litigation.

(i) Charting of *meaningful and accurate* nurses' notes is the responsibility of the charge nurse for the appropriate shift. This may be delegated to a ward clerk who may chart nursing action "after the fact." The clerk's charting must be verified and signed at the end of each shift by the appropriate charge nurse, *who shall make additional notations as appropriate. Charting "before the fact" is prohibited.*

(j) Medication and treatment record, including date, [and] hour, *route of administration, and dosage* of all medications, *including all PRN medications.* [treatments, and special procedures performed for the safety and well-being of the patient such as:

- (1) laboratory and x-rays reports;
- (2) consultation reports;
- (3) dental reports;
- (4) social service notes;
- (5) patient care referral reports.]

(k) *Reports of treatments and special procedures such as laboratory and x-ray reports, dental reports, medically related consultation reports, patient care referral reports, etc.*

(l) *Meaningful and accurate recordings of food intake must be charted after each meal on an individual basis. Fluid intake should also be noted as appropriate.*

(m) *A discharge summary must be completed by the physician promptly after the recipient-patient's discharge and include:*

- (1) *recipient-patient's full name, date of admission, and date of discharge;*
- (2) *name of attending physician;*
- (3) *admitting diagnoses;*
- (4) *final diagnoses and any intercurrent diagnoses (written in the terminology of accepted nomenclature and without the use of abbreviations or symbols);*

(5) *summary of course of stay and condition at the time of discharge;*

(6) *prognosis;*

(7) *disposition (to whom discharged and when);*

(8) *signature of treating physician and date signed.*

(n) *Sequence of data in closed and active records.*

The content of medical records is to be arranged in a sequence established by facility policy and followed consistently.

(o) *Active record (chart). Medical, social, and nursing information pertinent to the care of recipient-patients must be maintained in the active records (charts) to provide documentation for level of care determination, periodic medical reviews, and utilization review. At a minimum, the current and two previous months of nurses' notes, medication and treatment records, physician's progress notes and orders must be maintained in charts.*

(p) *Physician documentation. Only physicians enter or authenticate in medical records opinions that require medical judgment (in accordance with medical staff bylaws, rules, and regulations, if applicable). The physician must sign and date his or her entries into the record. All required forms in the medical records which require a physician's signature shall be signed using signature or initials. Use of a rubber stamp without an accompanying physician's signature or initials is unacceptable.*

.003. *Retention and Preservation [of Records].*

(a) *The recipient-patient's medical records must be retained for at least five years from the date of discharge or, in the case of a minor, three years after the recipient-patient becomes of age under state law (age 18 in Texas).*

(b) *The facility must have a written policy governing the retention and preservation of medical records.*

(c) *In the event of a change in ownership of a facility, recipient-patient medical records and registers shall remain the property of the facility.*

(d) *In the event the facility closes, records shall be safeguarded, retained, and confidentiality preserved for the applicable time period. The ownership shall ensure that records are properly stored and are available on request for inspection during the retention time period.*

[Patients' clinical records must be kept for three years after submission of the final expenditure report or until all audit questions are resolved, whichever period is longer.]

.006. *Availability of Records. Medical [Clinical] records must be available for review by the Texas Department of Human Resources [Public Welfare], the Texas Department of Health [Resources], and the Department of Health, Education, and Welfare. The facility's medical record system shall include a system of identification and filing to ensure the rapid location of recipient-patients' medical records.*

.012. *Indexes. [Patients'] Medical records are indexed according to name of the recipient-patient and final diagnoses (including intercurrent diagnoses) to facilitate [acquisition of statistical medical information and] retrieval of information and records for research and [or] administrative action.*

(a) *Recipient-patient index.*

(1) *This is the perpetual master recipient-patient index of all recipient-patients who are in the facility cur-*

rently or who have ever been admitted to the facility. This index is retained permanently. [Recorded upon admission.]

(2) *Basic information, including at least full recipient-patient name, address, date of birth, medical record number, and other information required by facility policy, is recorded on an index card or central data bank at the time of the recipient-patient's first admission. Changes in data are entered into the recipient-patient index cards as they occur. [Patient index cards contain at least:*

[(A) full name of patient;

[(B) address;

[(C) date of birth;

[(D) medical record number (admission number);

[(E) sex.

(3) *The cards are also recommended to contain:*

[(A) dates of admission;

[(B) dates of discharge;

[(C) any other pertinent information such as physician, age, diagnoses, name of spouse, etc.

(4) *This index is an alphabetical file and is kept permanently.]*

(b) *Index of diagnoses [Diagnosis index].*

(1) *[May be recorded upon admission. The patient usually enters the skilled nursing facility with one or more final diagnoses. Additional diagnoses occurring during the course of stay may be indexed as they occur:]*

(2) *Basic information to be indexed by diagnoses include:*

[(A) medical record number or name of patient;

[(B) age;

[(C) sex;

[(D) physician;

[(E) dates of admission and discharge;

[(F) associate diagnoses.

(3) *This index is also usually kept permanently.*

(4) *All cases of a particular disease entity or diagnoses are to be grouped by some method which permits [entered on a file card and as a key to] the location of medical [patients'] records of recipient-patients with certain diagnoses.*

(2) *All final diagnoses given by the treating physician, including cause of death and other established conditions for which the recipient-patient was being treated while in the facility, are to be coded and indexed using the international classification of diseases. Coding and indexing are completed as soon as possible after the discharge and before filing the medical record in permanent storage. The facility may wish to code and index intercurrent diseases concurrently and not wait until time of discharge.*

(3) *Information to be entered into the disease index (for each recipient-patient and each occurrence of the disease entity) includes recipient-patient's full name or medical record number (if assigned), age, sex, physician, length of stay, and other pertinent information as required by facility policy.*

(c) *Facilities are encouraged to index data from as far back as possible, preferably to the beginning of a fiscal year or a calendar year, or even to the opening of the facility to provide as complete a data bank as possible.*

(d) *The records of skilled patients in an intermediate care facility distinct part do not need indexing. The records*

of intermediate-type patients in a skilled facility distinct part do need indexing.]

Doc. No. 785960

Clinical Records 326.32.13.004-.005, .007-.011

(Editor's note: The text of the following rules proposed for repeal is not being published. The rules may be examined in the office of the Texas Register Division of the Secretary of State's Office, 503E Sam Houston Building, Austin, or in the office of the Department of Human Resources, John H. Reagan Building, Austin.)

The following repeals are proposed under the authority of Articles 695c and 695j-1, Texas Revised Civil Statutes:

- .004. Confidentiality of Records.
- .005. Staff Responsibility for Records.
- .007. Record Sequence.
- .008. Nursing Care Plans.
- .009. Discharge Planning.
- .010. Frequency of Medical Record Consultation.
- .011. Medical Records Consultant's Written Reports and Contract.

Doc. No. 785961

Medical Records Service 326.32.13.013-.018

The following additions are proposed under the authority of Articles 695c and 695j-1, Texas Revised Civil Statutes:

.013. Medical Record Service.

(a) The skilled nursing facility shall maintain an organized and centralized medical record service which has sufficient staff, facilities, and equipment to provide medical records that are completely and accurately documented, readily accessible, and systematically organized to facilitate retrieving and compiling information.

(b) There shall be written policies and procedures for all aspects and functions of the medical record service.

(c) The facility shall maintain medical records on all recipient-patients in accordance with accepted professional standards and practices. An individualized medical record is maintained for each patient in the facility and all documentation concerning the care and treatment of the patient is maintained together as a unit.

.014. Medical Record Supervisor.

(a) Overall supervisory responsibility for the medical record service is assigned to and under the direction of a full-time employee other than the director of nursing services. If the medical record supervisor is not a qualified medical record practitioner, this person functions with training and regular consultation from a person so qualified.

(b) The medical record supervisor may have other duties but is allowed sufficient time to ensure that the medical record service is properly administered and that records are appropriately maintained.

(c) Additional supportive record service staff may be required if necessary to provide assistance with maintaining the medical record service in accordance with established standards.

.015. Medical Record Consultant.

(a) In facilities where the medical record supervisor is not a registered medical record administrator or an accredited record technician, a qualified medical record consultant shall be retained under written agreement to provide medical record consultation. This individual must meet the qualifications and requirements as defined in the personnel rules of these standards.

(b) The medical record consultant shall provide consultation visits at least quarterly, with more frequent visits if the condition of the facility's record service warrants attention or need for training of the record service supervisor is evident. The consultant's contract, reports, and documentation of services shall be maintained in accordance with requirements set forth in the personnel rules of these standards.

(c) The consultant's visits shall be scheduled at such times to allow for effectiveness and to allow conference time with the administrator, director of nursing services, the medical record supervisor, and other appropriate persons. The following are responsibilities of the medical record consultant:

- (1) providing consultation and assistance to the medical record supervisor;
- (2) providing a written report, including recommendations, to the facility administrator promptly after each visit;
- (3) assisting the facility with developing a medical record system which meets the needs of the facility and which complies with applicable standards and acceptable practices for medical record maintenance;
- (4) assisting with operational policies and procedures relating to the medical record service;
- (5) assisting the facility with its staff development program in areas related to medical records and providing timely education and training to the medical record service supervisor and record personnel;
- (6) participating in planning and conferences affecting the medical record service or related areas.

.016. Protection of Medical Record Information.

(a) The facility must safeguard medical record information against loss, destruction, or unauthorized use. The facility must have written policies and procedures which specify who has access to medical records, under what conditions records may be removed from the facility, and under what conditions medical record information may be released, including an explanation of proper authorization.

(b) The medical record is the property of the facility and may not be removed from the facility except under subpoena or removal for safekeeping in the event of facility closure or a disaster situation. The facility must have a policy covering the disposition of all types of records in the event of its closure or transfer of ownership.

(c) The recipient-patient, in his or her bill or rights, is assured confidential treatment of personal and medical records and is allowed to consent in writing for the release of a copy of such information to any individual outside the facility (except in the case of transfer of the recipient-patient to another health care facility, for third party payment, or as required by law).

(d) The facility's in-service educational program for all personnel includes the subject of confidentiality of information.

.017. Location and Facilities for Medical Record Service.

(a) The facility maintains adequate facilities and equipment, conveniently located, to provide efficient processing of medical records (reviewing, indexing, filing, and prompt retrieval).

(b) The medical record storage area is to be readily accessible to authorized persons and must have sufficient filing equipment and storage space that is protected from damage by fire, water, insects, and rodents.

.018. Completion of Records and Centralization of Reports.

(a) Current medical records and those of discharged and deceased recipient-patients are completed promptly within 15 days after discharge. All documentation pertaining to a recipient-patient's stay is centralized in the patient's medical record.

(b) The signed original, or legible copy with an original signature, of each report is filed in the medical record.

(c) All entries shall show date of recording.

(d) Dictated entries shall show the date of dictation, the date of transcription, and the identification of the person transcribing the entry (via initials or signature of that person).

(e) In the case of a deceased recipient-patient, the completed medical record shall include a statement signed by a physician or justice of the peace indicating the recipient-patient is deceased and a receipt signed by the mortician for the body of the deceased upon release from the facility.

Issued in Austin, Texas, on September 8, 1978.

Doc. No. 785962 Jerome Chapman
Commissioner
Texas Department of Human Resources

Proposed Date of Adoption: October 16, 1978

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

Texas Department of Public Safety

Equipment and Vehicle Approval 201.11.00.001

The Texas Department of Public Safety is proposing to amend Rule 201.11.00.001, relating to minimum safety standards for vehicle equipment such as brake fluids, lamps, warning devices, safety glass, and glass-coating materials. Proposed amendment 1 would delete the statement of legal authority from the rule as it appears immediately preceding the text of the rule. Proposed amendment 2 deletes brake fluid from the text of Section (a). A separate rule is proposed relating to brake fluid. Proposed amendment 3 deletes and adds language to Section (c) clarifying cancellation or suspension of approval certificate requirements. Proposed amendment 3 creates Section (d) relating to disapproval of vehicle equipment.

The staff of the Texas Department of Public Safety has determined that there are no fiscal implications for the state as this applies to approval of minimum safety standards for vehicle equipment.

Comments on the proposed amendment of Rule 201.11.00.001 are invited. Comments may be submitted by contacting Norman V. Suarez, Texas Department of Public Safety, Box 4087, Austin, Texas 78773, telephone (512) 452-0331. Comments must be received within 30 days of the publication of this proposal in the *Register*.

The amendments are proposed pursuant to the authority of Vernon's Civil Statutes, 6701i, and Vernon's Civil Statutes, 6701d, Article XIV, Section 108 and Section 108A.

.001. Minimum Safety Standards for Vehicle Equipment.

[The following rule is promulgated under Vernon's Civil Statutes, 6701i, and Vernon's Civil Statutes, 6701d, Article XIV, Section 108 and Section 108A.]

(a) Minimum safety standards. The minimum performance standards required by the American Association of Motor Vehicle Administrators for the issuance of their certificate of approval are adopted by the Department of Public Safety as the minimum standards for [brake fluids,] headlamps, auxiliary lamps, rear lamps, warning devices, safety glass, glass-coating materials, and parts of any of the foregoing used or sold in Texas.

(b) Application for approval of vehicle equipment. The following procedures will be followed by manufacturers, firms, or persons seeking a certificate of approval:

(1) A written request for approval will be submitted to the department by the manufacturer, firm, or person in letter form.

(2) The request will be accompanied by:

(A) an American Association of Motor Vehicle Administrators (AAMVA) certificate of approval for each vehicle equipment item for which approval is desired; and

(B) the required filing fee of \$50 for each item for which approval is sought. Checks should be made payable to the Texas Department of Public Safety.

(3) After receipt of the application, AAMVA certificate of approval, and proper fee, the department will issue a certificate of approval to the manufacturer, firm, or person.

(c) Cancellation or suspension of approval certificate.

If, at any time, it is discovered that any approved vehicle equipment does not comply with the American Association of Motor Vehicle Administrators approval specifications, the department will cancel the certificate of approval covering said equipment; provided, *however, that no certificate shall be cancelled until* [that] the manufacturer, firm, or person *has been given at least* [is entitled to] 30 days' notice of such proposed cancellation [of certificate], during which time he *may request a hearing on the proposed cancellation or suspension, at which time proof may be submitted* [shall have an opportunity to submit proof] that the equipment in question does in fact comply with these specifications and regulations.

(d) *Denial or disapproval. If any of such equipment is found not to conform by the department, the department shall within 30 days issue to the applicant written evidence of its disapproval, and within 30 days of the date of such disapproval, said applicant may appeal as set out in Article 6252-13a, Texas Revised Civil Statutes (Texas Administrative Procedure and Texas Register Act).*

Doc. No. 786108

201.11.00.005

The Texas Department of Public Safety proposes to adopt Rule 201.11.00.005, concerning minimum hydraulic brake fluid standards relating to specifications, regulations, approval and disapproval procedures, and cancellation or suspension of approval. In addition to notice being published in the *Texas Register*, the department, by statute, is required to hold a public hearing held not more than 30 nor less than 15 days after the publication in a newspaper of general circulation in this state of notice of the time, place, and purpose of such hearing, to adopt rules and regulations establishing such minimum standards and specifications for brake fluids as will promote the public safety in the operation of motor vehicles in this state. Any rules and regulations adopted hereunder may be amended after notice and hearing as herein provided.

The staff of the Texas Department of Public Safety has determined that there are no fiscal implications for the state as this applies to approval of minimum safety standards for hydraulic brake fluid.

Comments on proposed Rule 201.11.00.005 are invited. Comments may be submitted by contacting Norman V. Suarez, Texas Department of Public Safety, Box 4087, Austin, Texas 78773, telephone (512) 452-0331. Comments must be received within 30 days of the publication of this proposal in the *Register*.

This rule is proposed under the authority of Vernon's Civil Statutes, 6701i.

.005. Hydraulic Brake Fluid.

(a) Definitions.

(1) The term "brake fluid" as used herein shall mean the liquid medium through which force is transmitted in the hydraulic brake system of any motor vehicle operated upon the highways of this state.

(2) The term "package" as used herein means the immediate container in which the brake fluid is packed for sale but does not include a carton or wrapping containing several packages, nor a tank car or truck.

(b) Approval of hydraulic brake fluid required. No person shall sell, hold for sale, offer for sale, distribute, or add to the hydraulic brake system of a motor vehicle in this state any brake fluid which is misbranded or which has not first been approved for sale in Texas by the Department of Public Safety.

(c) Misbranding. A brake fluid shall be deemed to be misbranded:

(1) if its labeling is false or misleading in any particular;

(2) unless the package and label conform to packaging and labeling requirements as set out in Federal Motor Vehicle Safety Standard No. 116 and the package in which it is packed for sale bears a label or imprint containing in clear and legible type:

(A) the name and address of the manufacturer, packer, seller, or distributor; and

(B) the words "brake fluid" and the designation "heavy duty";

(C) an accurate statement of the net contents in terms of liquid measure.

(d) Standards and specifications.

(1) **Standards.** The requirements for brake fluids used in hydraulic brake systems of motor vehicles shall conform to the (Part 571) Federal Motor Vehicle Safety Standard No. 116 (effective March 1, 1972, and any subsequent amendments). The grades of brake fluid shall be designated as "DOT—Motor Vehicle Brake Fluid."

(2) **Change of formula or composition of physical properties.** In the event the formula or composition of an approved brake fluid grade is changed, the manufacturer shall promptly advise the department of such fact and submit proof that the changed formula or composition will conform to the standards set out in (1).

(e) The following procedure shall be followed when any motor vehicle brake fluid is submitted for approval:

(1) A written request for approval of the motor vehicle brake fluid shall be submitted to the Texas Department of Public Safety by the manufacturer, the manufacturer's representative, the packer, or distributor. The owner of a trade name is deemed to be a manufacturer within the requirements of these regulations if the said owner actually packages and has control of the quality of the brake fluid so packaged. The manufacturer is the person or firm who places the brake fluid in the container in which it is marketed to the consumer. The manufacturer may be the one who actually manufactures, compounds, or blends the ingredients into a brake fluid, providing he also packages the fluid in the containers which bear the brand label under which it is to be marketed. In cases where the fluid is purchased from someone as a finished compound in bulk containers and is then repackaged into marketing containers bearing the packager's own or some other brand label, such a packager is construed to be the manufacturer. The person or firm who purchases the fluid already packaged and labeled is not the manufacturer under the regulation.

(2) The written request shall be accompanied by:

(A) A test report from a recognized testing laboratory approved by the department, showing compliance with the specifications and regulations herein contained. The test report shall contain a complete and full description (not chemical formula) of the fluid, the method of making the tests, and the results of the tests. The results of the tests and the specifications shall be shown in tabular form, or a certified copy of an American Association of Motor Vehicle Administrators equipment approval certificate.

(B) A two-quart sample of the fluid (or more if required by the department). The applicant shall certify that the sample is the same fluid as described in the test report and that the brake fluid submitted to the laboratory for test is a sample of the same fluid to be sold or offered for sale under the brand name and label specified for the samples.

(C) Two copies of labels used on containers. These may be original labels or photostats of the original labels.

(D) A check in the amount of \$50 payable to the Department of Public Safety.

(f) If such hydraulic brake fluid is found not to conform with such standards and specifications, the department, within 30 days, shall issue to the applicant written evidence of its disapproval of such fluid, and, within 30 days of the date of such disapproval, said applicant may appeal to any district court of Travis County from the decision of the department. Such appeal shall be a trial *de novo*, as such term is commonly used and intended in an appeal from the justice court to the county court.

(g) Cancellation or suspension of approval. If it is found that any motor vehicle brake fluid does not conform to the standards and specifications set out in Section (d), is being illegally marketed, or is misbranded, the department may cancel or suspend the certificate of approval covering said brand and grade; provided, however, no certificate shall be cancelled or suspended until the manufacturer, packer, or distributor has been given at least 30 days' notice of such proposed cancellation or suspension, during which time he may request a hearing on the proposed cancellation or suspension, at which hearing proof may be submitted to explain the apparent violation and to submit proof that the brake fluid sold under his brand and grade does in fact conform to these standards and specifications or is not being marketed illegally or is not misbranded.

Issued in Austin, Texas, on September 14, 1978.

Doc. No. 786109 Wilson E. Speir
 Director
 Texas Department of Public Safety

Proposed Date of Adoption: October 27, 1978

For further information, please call (512) 452-0331.



TEXAS
 DEPARTMENT
 PUBLIC SAFETY

Office of the Secretary of State Elections

Time and Place of Election 004.30.02

(Editor's note: The Office of the Secretary of State is proposing for permanent adoption the emergency rule it adopts in this issue. The text of the rule appears in the Emergency Rules section.)

The secretary of state is proposing Rule 004.30.02.101 to clarify which elections may be held on the first Tuesday after the first Monday in November of even-numbered years, pursuant to Article 2.01b, Vernon's Texas Election Code.

The Elections Division of the Secretary of State's Office has determined that this proposed rule has no fiscal implications for the state or for units of local government.

Public comment on the proposed rule is invited. Comments may be submitted by telephoning the Elections Division of the Office of the Secretary of State at (512) 475-3091 or by writing the division at Secretary of State, P.O. Box 12887, Austin, Texas 78711.

This rule is proposed under the authority of Article 1.03, Vernon's Texas Election Code.

Issued in Austin, Texas, on September 18, 1978.

Doc. No. 786133 Steven C. Oaks
 Secretary of State

Proposed Date of Adoption: October 27, 1978

For further information, please call (512) 475-3091.

employment by violating a contractual, statutory, or constitutional right. The rule has been changed to correct a typographical error and to reword Section (c). No substantive change was made.

The rule is promulgated under authority of Sections 3.23(a) and 3.59(i) of the Texas Education Code.

.009. Wrongfully Denied Employment.

(a) A member may make deposits and obtain credit for a period during which an employer wrongfully denied him or her employment if all of the following requirements are satisfied:

(1) The employer must have violated a contractual, statutory, or constitutional right of the member to the employment during the period for which credit is desired. A certified copy of the final decision in an administrative or judicial proceeding which contains a finding of such violation or, if no decision exists, a certification of such violation by an authorized representative of the employer satisfies this requirement.

(2) The member must not have been awarded and must not receive any other compensation for lost retirement benefits attributable to the violation. Certified copies of any judgments, orders, settlement agreements, or other related documents must be submitted for review under this requirement if requested by TRS.

(3) The employee must certify the amount of annual compensation which the person would have received for service each year if the right to employment had not been violated. That amount of compensation must have been paid in full to the member less only those deductions which are normally made from employees' salaries. The amount paid for the violation must not have been reduced below the certified amount of compensation by any offset or settlement agreement. The employer must certify to TRS that an amount was paid to the member which, when added to the deductions permitted by this rule, at least equals the certified amount of compensation the employee would have otherwise received.

(4) The member must have commenced formal action against the employer for the violation or notified TRS of an intent to do so within two years of the violation.

(5) The member must not have withdrawn his or her accumulated contributions after the violation.

(b) Deposits shall be calculated on the certified amount which the member would have otherwise received. The employer may deduct the deposits from the amount paid to the member and submit the deposits directly to TRS, provided that all requirements for acceptance of the deposits have been met. Service credit shall be awarded based upon the amount of service represented by the compensation. Credit for annual compensation will be the amount certified by the employer.

(c) The amount of deposits and of credit for service and compensation shall be reduced by any deposits made and credit granted for actual employment in the Texas public schools during the same time in which the wrongfully denied employment would have otherwise occurred.

(d) The member shall have one year after receiving compensation for the violation in which to make deposits on the amounts paid.

(e) Deposits will not be accepted on amounts paid for future services which are not to be rendered, except that, if the person has rendered enough service pursuant to a contract in a school year to obtain a year of service credit, deposits shall be payable on the remainder of the compensation paid under that contract for that school year only.

Issued in Austin, Texas, on September 18, 1978.

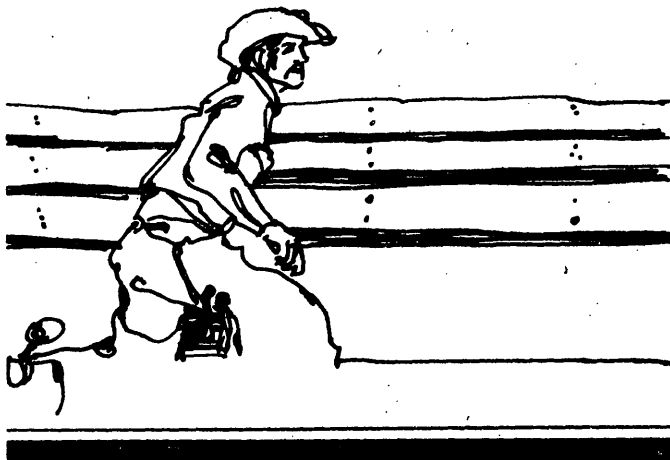
Doc. No. 786140

Leonard Prewitt
Executive Secretary
Teacher Retirement System of
Texas

Effective Date: October 10, 1978

For further information, please call (512) 477-9711, ext. 213.

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 Board of Barber Examiners

Monday, October 2, 1978, 8 a.m. The State Board of Barber Examiners will meet in Suite H-111, 5555 North Lamar, Austin, to consider the following items: interview with out-of-state applicants; letters; signing of school certificates and contract; report on hearing on L. D'Lynn Barber College; conference with Jimmy Hadley; setting of date to inspect Waco Barber College; and executive meeting.

Additional information may be obtained from Charles F. Blackburn, Suite 111, 5555 North Lamar, Austin, Texas 78751, telephone (512) 458-2241.

Filed: September 20, 1978, 10:21 a.m.
Doc. No. 786176

Texas Commission for the Deaf

Saturday, September 30, 1978, 10 a.m. The Texas Commission for the Deaf will meet in the Castilian Room, Charlott Inn, 7300 North Interstate Highway 35, Austin, to consider the following items: approval of fiscal year 1979 operating budget, including legislative appropriations, DHR Title XX renewal, contract estimates, and GCA renewal contract estimates; private special grant (possible vote); next TCD board meeting (possible vote); and discussion of interpreter fee scale rates (possible vote).

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

Filed: September 20, 1978, 2:12 p.m.
Doc. No. 786188

Commission on Fire Protection Personnel Standards and Education

Tuesday, October 17, 1978, 9 a.m. The Fire Suppression Subcommittee of the Commission on Fire Protection Personnel Standards and Education will meet at the commission offices, 8330 Burnet Road, Austin, to further study the progress on the development of standards for the approval of training academies and to make recommendations to the commission.

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

Filed: September 18, 1978, 3:38 p.m.
Doc. No. 786129

Tuesday, October 17, 1978, 10 a.m. The Subcommittee on Recruitment and Selection of the Commission on Fire Protection Personnel Standards and Education will meet at the commission offices, 8330 Burnet Road, Austin, to continue the study on potential standards for recruitment and selection of recruits for fire department service entry.

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

Filed: September 18, 1978, 3:38 p.m.
Doc. No. 786130

Tuesday, October 17, 1978, 1:15 p.m. The Subcommittee on Fire Department Instructors of the Commission on Fire Protection Personnel Standards and Education will meet at the commission offices, 8330 Burnet Road, Austin, to review staff recommendations for the update and improvement of minimum standards for the certification of fire department instructors in the various levels.

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

Filed: September 18, 1978, 3:38 p.m.

Doc. No. 786131

Tuesday, October 17, 1978, 2:30 p.m. The Commission on Fire Protection Personnel Standards and Education will meet at the commission offices, Suite 122, 8330 Burnet Road, Austin, to conduct a regular quarterly meeting and receive reports from the following committees: Fire Suppression, Recruitment and Selection, Fire Department Instructors, and Budget. The commission will also conduct the regular order of business and take necessary action on committee reports.

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

Filed: September 18, 1978, 3:38 p.m.

Doc. No. 786132

Office of the Governor

Monday, September 25, 1978, 1:30 p.m., and Tuesday, September 26, 9 a.m. The State Manpower Services Council of the Governor's Budget and Planning Office made an emergency addition to the agenda of the meeting held on September 25 at the Villa Capri Motor Hotel, 2400 North Inter-regional Highway 35. As summarized, the council also held committee meetings.

Additional information may be obtained from Howard Richie, 411 West 13th Street, Austin, Texas 78701, telephone (512) 475-6173.

Filed: September 20, 1978, 4:23 p.m.

Doc. No. 786197



Texas Health Facilities Commission

Thursday, September 28, 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:

Santa Rosa Medical Center, San Antonio—certificate of need
Rollins Brook Hospital, Inc., Lampasas—exemption certificate

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

Filed: September 20, 1978, 3:41 p.m.

Doc. No. 786194

Thursday, October 5, 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:

Ada Wilson Hospital of Physical Medicine and Rehabilitation, Inc., Corpus Christi—certificate of need
St. Elizabeth Hospital, Beaumont—certificate of need
Texas Department of Mental Health and Mental Retardation for the Kerrville State Hospital, Kerrville—reissuance of certificate of need

Home Health-Home Care, Inc., Center—exemption certificate

Lutheran General Hospital, San Antonio—exemption certificate

The Saint Joseph Hospital, El Paso—exemption certificate
Austin-Travis County MH/MR Center, Austin—two declaratory rulings/exemption certificates

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

Filed: September 20, 1978, 3:57 p.m.

Doc. No. 786195

State Board of Insurance

Thursday, September 21, 1978, 10 a.m. The State Board of Insurance met in emergency session in Room 408, 1110 San Jacinto, Austin, to consider the International Fidelity Insurance Company bail bond rate revision.

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

Filed: September 19, 1978, 10 a.m.

Doc. No. 786142

Thursday, September 28, 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 consider a name protest regarding Commonwealth National Life Insurance Company, Cleveland, Mississippi. (Please note that the room number has been changed to Room 343.)

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

Filed: September 19, 1978, 10 a.m.

Doc. No. 786146

Thursday, September 28, 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 consider a name protest regarding Republic Western Insurance Company, Phoenix, Arizona. (Please note the room number has been changed to Room 343).

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

Filed: September 19, 1978, 10 a.m.

Doc. No. 786147

Friday, September 29, 1978, 10 a.m. The Commissioner's Hearing Section of the State Board of Insurance has cancelled a hearing that was to be held in Room 343, 1110 San Jacinto, Austin, regarding Abraham A. Greenspan, Fort Worth. The board had planned to consider whether Mr. Greenspan's application for an escrow officer license should be granted or denied.

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

Filed: September 19, 1978, 9:59 a.m.

Doc. No. 786148

Monday, October 2, 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 consider a reinsurance agreement between Texas Bankers Life and Loan Insurance Company (Austin) and North-East Texas Burial Association (Grand Saline), pursuant to Texas Insurance Code Annotated, Article 22.15.

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

Filed: September 19, 1978, 9:59 a.m.

Doc. No. 786149

Monday, October 2, 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 consider original incorporation of World Service Life Insurance Company of Texas, Fort Worth.

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

Filed: September 19, 1978, 9:59 a.m.

Doc. No. 786150

Tuesday, October 3, 1978, 10 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 343, 1110 San Jacinto, Austin, regarding NLT Capital Corporation, Nashville, Tennessee. The board will consider an application to acquire control of Great Southern Life Insurance Company, Houston. This hearing will be continued from September 6.

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

Filed: September 19, 1978, 9:59 a.m.

Doc. No. 786151

Tuesday, October 3, 1978, 10 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 350, 1110 San Jacinto, Austin, to consider the acquisition of United Capital Life Insurance Company (Houston) by Doyle Stuckey (Houston), pursuant to Texas Insurance Code Annotated, Article 21.49-a, Section 5.

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

Filed: September 19, 1978, 9:59 a.m.

Doc. No. 786152

Tuesday, October 3, 1978, 2 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 350, 1110 San Jacinto, Austin, to consider whether the Group I license of Charles Whipple (El Paso) should be suspended or revoked for failing to pay to an insurer premiums collected on insurance policy applications.

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

Filed: September 19, 1978, 9:59 a.m.

Doc. No. 786153

Wednesday, October 4, 1978, 2 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 350, 1110 San Jacinto, Austin, to consider the name protest regarding Gulf National Life Insurance Company, Biloxi, Mississippi.

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

Filed: September 19, 1978, 9:59 a.m.
Doc. No. 786154

Wednesday, October 4, 1978, 9 a.m. The Board of Pardons and Paroles will meet in the Diagnostic Unit, Texas Department of Corrections, Huntsville. A parole panel, consisting of members of the Board of Pardons and Paroles and members of the Texas Parole Commission, will conduct parole violation hearings.

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

Filed: September 19, 1978, 10 a.m.
Doc. No. 786145



Texas Parks and Wildlife Department

Tuesday, October 3, 1978, 2 p.m. The Fisheries Division/Resource Protection Division of the Texas Parks and Wildlife Department will meet in Room A-200, 4200 Smith School Road, Austin, to consider the application of Captain O. V. Hall, Jr., for a permit to remove approximately 600 cubic yards (total) of sand from Corpus Christi Bay by means of dragline. The purpose of the work is to dredge a boat slip and use the dredged material to fill behind an adjacent bulkhead. The location of the project is in Ingleside Cove at Block 73, Ingleside-on-the-Bay, Nueces County. (Corps of Engineers Public Notice No. 12901)

Additional information may be obtained from Chester Harris, 4200 Smith School Road, Austin, Texas 78744.

Filed: September 20, 1978, 2:12 p.m.
Doc. No. 786190

Board of Pardons and Paroles

Monday through Friday, October 2-6, 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: September 19, 1978, 10 a.m.
Doc. No. 786144

Board of Polygraph Examiners

Thursday and Friday, October 5-6, 1978, 9 a.m. until 4 p.m. The Board of Polygraph Examiners will meet at the Hilton Inn, 6000 Middle Fiskville Road, Austin. As summarized, the agenda will include: evaluation of intern examination papers; review and consideration of applications for internship; administrative hearings that are necessary for adjudication; review of information obtained from the American Polygraph Association Annual Seminar applicable to statistical acquisition for the Sunset Commission's Review; and other routine business that may be presented to the board.

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

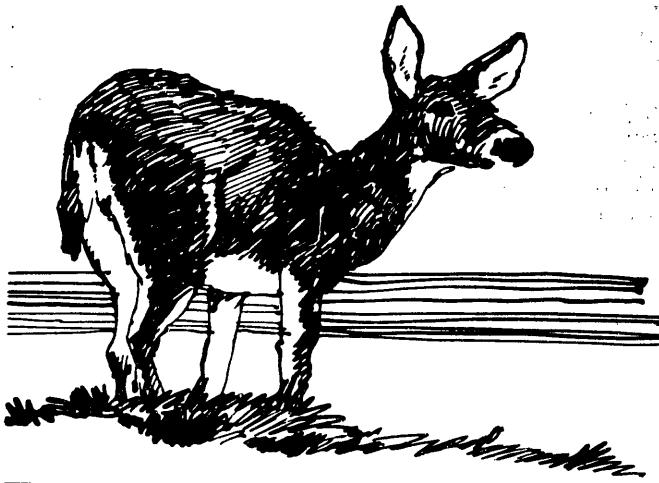
Filed: September 19, 1978, 9:09 a.m.
Doc. No. 786139

Texas Private Employment Agency Regulatory Board

Friday, September 29, 1978, 9 a.m. The Texas Private Employment Agency Regulatory Board will meet in Room 117, Sam Houston Building, 14th and San Jacinto, Austin, to reconsider the following rules, as summarized: 398.02.03.001(a) [398.01.00.009(a)], concerning the appellations that may be used by an employment agency in advertising; 398.02.03.002 [398.01.00.010], concerning "unduly soliciting" by an employment agency; and 398.02.03.003(a)(b) [398.01.00.011], concerning the fees that an employment agency may charge an applicant. These rule changes were first published on June 6, 1978 (Volume 3, Number 41, Page 1928-1929) in the *Texas Register*. (Proposed Rule 398.02.03.006, concerning nonprofit organizations)

Additional information may be obtained from Larry E. Kosta, P.O. Box 12157, Austin, Texas 78711, telephone (512) 258-3761.

Filed: September 19, 1978, 1:27 p.m.
Doc. No. 786161



Texas Prosecutors Coordinating Council

Wednesday, September 27, 1978, 9 a.m. The Texas Prosecutors Coordinating Council will meet in Room 204, Texas Law Center, 1414 Colorado, Austin, to consider the following items: report of executive director on status and direction of the agency; budget; grant adjustment; application for grant renewal (1979); state budget 1980-1981, executive session; pending complaints; Case No. 51-78-9; hearings on Case No. 51-78-2 and Case No. 51-78-12; and setting of meeting date.

Additional information may be obtained from Andy Shuval, sixth floor, Texas Law Center, Austin, Texas 78701, telephone (512) 475-6835.

Filed: September 19, 1978, 1:28 p.m.
Doc. No. 786160

Public Utility Commission of Texas

Thursday, September 28, 1978, 9 a.m. The Public Utility Commission of Texas will meet in Suite 400N, 7800 Shoal Creek Boulevard, Austin, to consider final orders and to hear oral argument in the following dockets, as summarized: 1853, 1746, 1861, 1742, 1875, 1799, 1661, 1828, 1882, 2111, 1781, 2116, 1925, 1745, 1807, 1842, 1504, 1627, 1835, 1852, 1209, 1821, 1863, 2037, 1810, 2081, and 2096.

Additional information may be obtained from Philip F. Ricketts, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-0100.

Filed: September 19, 1978, 3:23 p.m.
Doc. No. 786169

Thursday, September 28, 1978, 10:30 a.m. The Hearings Division of the Public Utility Commission of Texas has rescheduled a hearing to be held in Suite 400N, 7800 Shoal Creek Boulevard, Austin, to consider an inquiry by the commission into the failure of M. S. Water Supply Corporation to render service to 20 customers within its certificated service area, as summarized. This hearing has been rescheduled from September 22.

Additional information may be obtained from Philip F. Ricketts, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-0100.

Filed: September 18, 1978, 3:56 p.m.
Doc. No. 786134

Thursday, October 5, 1978, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 400N, 7800 Shoal Creek Boulevard, Austin, to conduct a prehearing regarding an application of Mobilfone Communications, Inc., to amend its certificate of convenience and necessity to provide radio-telephone service in Travis and appropriate surrounding counties (Docket No. 2107), as summarized.

Additional information may be obtained from Philip F. Ricketts, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-0100.

Filed: September 19, 1978, 3:23 p.m.
Doc. No. 786170

Thursday, October 12, 1978, 1 p.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 400N, 7800 Shoal Creek Boulevard, Austin, to conduct a prehearing conference regarding an application of Central Power and Light Company to amend its certificate of convenience and necessity for proposed transmission lines and associated substations within Matagorda County (Docket No. 2048), as summarized.

Additional information may be obtained from Philip F. Ricketts, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-0100.

Filed: September 20, 1978, 10:21 a.m.

Doc. No. 786174



Friday, October 13, 1978, 9 a.m. The Hearings Division of the Public Utility Commission of Texas has rescheduled a meeting to be held in Suite 400N, 7800 Shoal Creek Boulevard, Austin, to conduct a hearing regarding appeals by Gulf States Utilities Company from rate setting ordinances of the Cities of Beaumont, *et al.* (Docket Nos. 1889-1945, 1968-1971, 2009, 2010, and 2015), as summarized.

Additional information may be obtained from Philip F. Ricketts, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-0100.

Filed: September 20, 1978, 2:12 p.m.

Doc. No. 786187

Texas Real Estate Commission

Wednesday, September 27, 1978, 1 p.m. The Texas Real Estate Commission will meet in Room 510, Sam Houston Building, 201 East 14th Street, Austin, to consider the following items, as summarized: staff reports for August 1978; education and school matters; proposed Rules 402.03.02.003, 402.03.02.101, and 402.03.02.013 (clerical and secretarial employees and associates); Sunset Advisory Commission report; proposed Rules 402.03.03.006 (salesperson employed by owner-builder) and 402.03.11.001 (annual certification fee); report on Recovery Fund claims; and date and place of next meeting.

Additional information may be obtained from Camilla S. Shannon, P.O. Box 12188, Austin, Texas 78711, telephone (512) 475-4250.

Filed: September 19, 1978, 10 a.m.

Doc. No. 786143

Friday, October 20, 1978, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 400N, 7800 Shoal Creek Boulevard, Austin, to conduct a prehearing conference regarding an application of Morrison Phone Relay Corporation and Aircall of Texas, Inc., to upgrade service within Harris and Fort Bend Counties (Docket No. 1845), as summarized.

Additional information may be obtained from Philip F. Ricketts, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-0100.

Filed: September 20, 1978, 2:12 p.m.

Doc. No. 786186

State Securities Board

Wednesday, November 8, 1978, 9:30 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 400N, 7800 Shoal Creek Boulevard, Austin, to conduct a hearing concerning a petition of Pendaris Corporation for relief from an allegedly discriminatory tariff provision of the Nueces Electric Cooperative, Inc. (Docket No. 1962), as summarized.

Additional information may be obtained from Philip F. Ricketts, Suite 400N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 458-0100.

Filed: September 20, 1978, 10:21 a.m.

Doc. No. 786175

Monday, October 2, 1978, 1:30 p.m. The State Securities Board will conduct a hearing in Room 709, Lyndon B. Johnson Building, Austin, to determine whether the application of Larry Leonard Charbonneau as a securities salesman be granted or denied.

Additional information may be obtained from Patrick Lanier, Room 709, Lyndon B. Johnson Building, Austin, Texas 78701, telephone (512) 475-4561.

Filed: September 20, 1978, 4:29 p.m.

Doc. No. 786198

Texas State Board of Examiners in Social Psychotherapy

Saturday, September 30, 1978, 1:30 p.m. The Texas State Board of Examiners in Social Psychotherapy will meet in Conference Room T-604, Texas Department of Health, 110 West 49th Street, Austin, to consider the following items, as summarized: committee reports on application screening and on continuing education; continuing education rule proposals; results of August licensure examination; matters relating to licensure, regulation, and practice of social psychotherapists; and consumer education program.

Additional information may be obtained from Daniel L. Boone, 1100 West 49th Street, Austin, Texas 78756, telephone 8512) 458-7511.

Filed: September 20, 1978, 2:12 p.m.

Doc. No. 786189

AGRICULTURE



Texas A&M University System

Monday, September 25, 1978, 8:30 a.m. The Planning and Building Committee of the Board of Regents of the Texas A&M University System will meet in the MSC Annex, Texas A&M University, College Station, to review matters relating to construction in the system, as summarized.

Additional information may be obtained from Robert G. Cherry, Texas A&M University System, College Station, Texas 77843, telephone (713) 845-4334.

Filed: September 19, 1978, 2:47 p.m.

Doc. No. 786163

Monday, September 25, 1978, 1:30 p.m. The Executive Committee of the Board of Regents of the Texas A&M University System will meet in the MSC Annex, Texas A&M University, College Station, to consider the following items, as summarized: review of revisions to rules and regulations; appointments to advisory councils; budgets; appropriation requests; depository bank agreements; insurance matters; appointments and promotions of personnel, including administrative appointments; and review of litigation involving the system.

Additional information may be obtained from Robert G. Cherry, Texas A&M University System, College Station, Texas 77843, telephone (713) 845-4334.

Filed: September 19, 1978, 2:47 p.m.

Doc. No. 786164

Monday, September 25, 1978, 3:30 p.m. The Committee for Academic Campuses of the Board of Regents of the Texas A&M University System will meet in the MSC Annex, Texas A&M University, College Station, to consider the following items, as summarized: fee adjustments; easements; physical property transactions; degree programs; advisory board appointments; vending machine contracts; and administrative reorganization at Moody College.

Additional information may be obtained from Robert G. Cherry, Texas A&M University System, College Station, Texas 77843, telephone (713) 845-4334.

Filed: September 19, 1978, 2:47 p.m.

Doc. No. 786165

Saturday, September 30, 1978, 9 a.m. The Board of Regents of the Texas A&M University System will meet at the MSC Annex, Texas A&M University, College Station, to consider bids and the awarding of a contract for improvements to Kyle Field stadium at Texas A&M University.

Additional information may be obtained from Robert G. Cherry, Texas A&M University System, College Station, Texas 77843, telephone (713) 845-4334.

Filed: September 19, 1978, 2:47 p.m.

Doc. No. 786166

University Interscholastic League

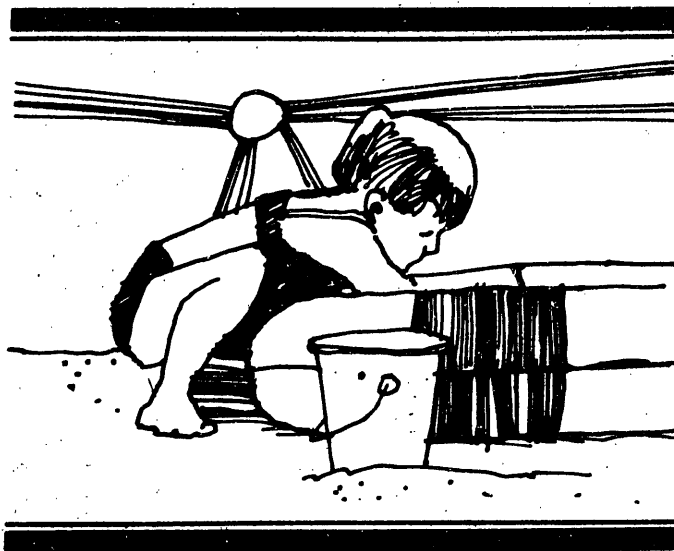
Wednesday, September 27, 1978, 2 p.m. The State Executive Committee of the University Interscholastic League will meet in Room 102, Sid Richardson Hall, University of Texas at Austin, to reconsider the Oppie case and to consider violations of One-Act Play for nonparticipation by several schools, as summarized in the agenda.

Additional information may be obtained from Bailey Marshall, P.O. Box 8028, Austin, Texas 78712; telephone (512) 471-5883.

Filed: September 19, 1978, 8:37 a.m.
Doc. No. 786135

Additional information may be obtained from Phillip Paine, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1468.

Filed: September 18, 1978, 3:05 p.m.
Doc. No. 786126



Texas Water Commission

Thursday, September 28, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in the Council Chamber, City Hall, 212 North Bonner Avenue, Tyler, regarding an application by Agape Force, Inc., Lindale. As summarized, the applicant seeks an amendment to Permit No. 11771 to accommodate the construction of an additional treatment facility.

Additional information may be obtained from Phillip Paine, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1468.

Filed: September 18, 1978, 3:05 p.m.
Doc. No. 786125

Thursday, September 28, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in the Council Chamber, City Hall, 212 North Bonner Avenue, Tyler, regarding an application by the State Department of Highways and Public Transportation (Cass County Rest Area), Atlanta. As summarized, the applicant seeks a permit to allow for a discharge of domestic sewage effluent from a sewage treatment plant to serve a population of 75 people.

Thursday, September 28, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in the Council Chamber, City Hall, 212 North Bonner Avenue, Tyler, regarding an application by the J & W Refining, Inc., Palestine. As summarized, the applicant seeks an amendment to Permit No. 01911 to accommodate production facility expansion.

Additional information may be obtained from Phillip Paine, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1468.

Filed: September 18, 1978, 3:05 p.m.
Doc. No. 786127

Thursday, September 28, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in the Council Chamber, City Hall, 212 North Bonner Avenue, Tyler, regarding an application by the Longview Refining Company (Division of Crystal Oil Company), Longview. As summarized, the applicant seeks an amendment to Permit No. 00572 to accommodate modifications in wastewater handling and disposal.

Additional information may be obtained from Phillip Paine, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1468.

Filed: September 19, 1978, 9:04 a.m.
Doc. No. 786136

Thursday, September 28, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in the Council Chamber, City Hall, 212 North Bonner Avenue, Tyler, regarding an application by Western Litho Plate and Supply Company, Jacksonville. As summarized, the applicant seeks a permit to allow for a discharge not to exceed an average flow of 575,000 gallons per day of industrial wastewater effluent from the litho anodized plate manufacturing plant in Cherokee County.

Additional information may be obtained from Phillip Paine, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1468.

Filed: September 19, 1978, 9:04 a.m.
Doc. No. 786137

Thursday, September 28, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in the Council Chamber, City Hall, 212 North Bonner Avenue, Tyler, regarding an application by the City of Tyler (Southside Plant), Tyler. As summarized, the applicant has applied for an amendment to Permit No. 10653 to accommodate plant expansion.

Additional information may be obtained from Phillip Paine, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1468.

Filed: September 19, 1978, 9:04 a.m.
Doc. No. 786138

Tuesday, October 3, 1978, 10 a.m. The Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress, Austin, to consider examiner's proposals for decision on water quality matters and an application for a discharge permit, 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: September 20, 1978, 2:31 p.m.
Doc. No. 786192

Tuesday, October 10, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin, on the question of conversion of Starr County Water Control and Improvement District No. 2 into a municipal utility. As summarized, the applicant seeks to divert district, 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: September 20, 1978, 2:31 p.m.
Doc. No. 786193

Friday, October 13, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin, regarding Application No. 3911 of Ross Owen Scull. As summarized, the applicant seeks a permit to directly divert 250 acre/feet of water per annum from Cibolo Creek, tributary San Antonio River, San Antonio River Basin, to irrigate 250 acres in Guadalupe County.

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

Filed: September 18, 1978, 2:46 p.m.
Doc. No. 786119

Friday, October 13, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin, regarding Application No. 3910 of Vaquillas Ranch Company, Ltd. As summarized, the applicant seeks a permit to maintain an existing dam and reservoir on Salado Creek, tributary San Casimiro Creek, tributary Nueces River, Nueces River Basin, to impound therein not to exceed 2640 acre/feet of water, and to divert and use therefrom not to exceed 300 acre/feet for irrigation purposes in Webb County.

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

Filed: September 18, 1978, 2:46 p.m.
Doc. No. 786120

Friday, October 13, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin, regarding Application No. 3909 of Frank M. Montague, Jr. As summarized, the applicant seeks a permit to maintain an existing dam and reservoir, known as Montague Lake, on Montague Hollow, tributary of Medina River, tributary San Antonio River, San Antonio River Basin, to impound therein not to exceed 500 acre/feet of water, and to use the impounded waters for domestic, livestock, and recreational purposes in Bandera County.

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

Filed: September 18, 1978, 2:46 p.m.
Doc. No. 786121



Monday, October 16, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin, regarding an application by Goetz Services, Inc. (TA-3288). As summarized, the applicant seeks to divert and use 10 acre/feet of water from the Guadalupe River, Gonzales County.

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

Filed: September 20, 1978, 2:31 p.m.
Doc. No. 786191

Thursday, October 26, 1978, 11 a.m. The Texas Water Commission will conduct a hearing in the Council Chamber, City Hall, 105 West Juan Linn, Victoria, to consider an application by E. I. du Pont de Nemours and Company, Inc. (Victoria Plants), Victoria. As summarized, the applicant seeks permits to operate industrial waste disposal wells Nos. 1, 2, 3, 4, 8, 9, and 10 in Victoria County.

Additional information may be obtained from Phillip Paine, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1468.

Filed: September 18, 1978, 3:05 p.m.
Doc. No. 786123

Thursday, October 26, 1978, 11 a.m. The Texas Water Commission will conduct a hearing in the Council Chamber, City Hall, 105 West Juan Linn, Victoria, to consider an application by Vistron Corporation (Calhoun County Complex, Midland Building, Cleveland, Ohio). As summarized, the applicant seeks a permit to allow for a discharge not to exceed an average flow of 4,340,000 gallons per day of industrial wastewater effluent from the petrochemical complex in Calhoun County.

Additional information may be obtained from Phillip Paine, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1468.

Filed: September 18, 1978, 3:05 p.m.
Doc. No. 786124

Thursday, November 9, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin, to consider an application by T. W. Whaley, Sr. and Jr. (Docket No. RE-0075). As summarized, the applicant seeks approval of preliminary plans for construction of a levee of other improvements on Bull Hide Slough, a tributary of the Brazos River in Falls County.

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

Filed: September 18, 1978, 2:46 p.m.
Doc. No. 786122



Regional Agencies Meetings Filed September 19, 1978

The San Jacinto River Authority, Board of Directors, will meet in the Lake Conroe Office Building, Dam Site, Highway 105 West, Conroe, on September 28, 1978, at noon. Further information may be obtained from Jack K. Ayer, general manager, P.O. Box 329, Conroe, Texas 77301, telephone (713) 588-1111.

The South Texas Health Systems Agency, (GCSAC), will meet at 1908 North Laurent Street, Victoria, on September 28, 1978, at 6:30 p.m. Further information may be obtained from Paul Villaret, Station 1, Box 2378, Kingsville, Texas 78363, telephone (512) 595-5545.

Doc. No. 786141

Meetings Filed September 20, 1978

The Camino Real Health Systems Agency, Board of Directors, met in the third floor conference room, 1017 North Main Avenue, San Antonio, on September 20, 1978, at 7 p.m. Further information may be obtained from Jose A. Contreras, 1017 North Main Avenue, San Antonio, Texas 78212, telephone (512) 225-6631.

The South Texas Development Council, Government Application Committee, met at the Zapata Civic Center, Zapata, on September 21, 1978, 10 a.m. Further information may be obtained from Julie Saldana, P.O. Box 2187, Laredo, Texas 78041, telephone (512) 722-3995.

The Texas Municipal Power Agency, Board of Directors, will meet at 600 Arlington Downs Tower, Arlington, on September 28, 1978, at 9 a.m. Further information may be obtained from Pete Eckert, 600 Arlington Downs Tower, Arlington, Texas 76011, telephone (817) 461-4400.

The Trinity River Authority of Texas, Board of Directors, will meet at White's Memorial Park, intersection of Interstate Highway 10 and State Highway 61 South, Chambers, on September 27, 1978, at 10:30 a.m. Further information may be obtained from Geri Elliott, P.O. Box 5768, Arlington, Texas 76011, telephone (817) 461-3151.

The Tri-Region Health Systems Agency, Nortex Mental Health/Mental Retardation Task Force, will meet in the Medicenter Psychiatric Hospital dining room, 1505 Eighth Street, Wichita Falls, on September 26, 1978, at 7 p.m. Further information may be obtained from Bob Caras, 2642 Post Oak Road, Suite B, Abilene, Texas 79605, telephone (915) 698-9481.

Doc. No. 786173

The Education Service Center, Region XV, Board of Directors, will meet in Room 310, San Angelo Independent School District Administration Building, 100 North Magdalen, San Angelo, on September 28, 1978, at 1:30 p.m. Further information may be obtained from Charles T. Bitters, P.O. Box 5199, San Angelo, Texas 76902, telephone (915) 655-6551.

The Heart of Texas Region MH/MR Center will meet at 1401 North 18th Street, basement conference room, Waco, on September 28, 1978, at 4 p.m. Further information may be obtained from Dean Maberry, 1401 North 18th Street, P.O. Box 1277, Waco, Texas 76703, telephone (817) 752-3451.

The Lubbock Regional MH/MR Center will meet at 1210 Texas Avenue, Lubbock, on September 26, 1978, at 4:30 p.m. Further information may be obtained from Ted Sparks, 1210 Texas Avenue, Lubbock, Texas 79401, telephone (806) 763-4213.

The Pecan Valley Mental Health/Mental Retardation, Board of Trustees, will meet at Granbury Motor Inn, Highway 377, Granbury, on September 27, 1978, at noon. Further information may be obtained from Dr. Theresa Mulloy, P.O. Box 973, 906 Lingleville Highway, Stephenville, Texas 76401, telephone (817) 968-4181.

Doc. No. 786199

Meetings Filed September 21, 1978

The Trinity River Authority, Board of Directors' Executive Committee, conducted a conference call from the general manager's office, TRA General Offices, on September 22, 1978, at 9:30 a.m. Further information may be obtained from Geri Elliott, P.O. Box 5768, Arlington, Texas 76011, telephone (817) 461-3151.

Week Ending September 1, 1978

Phillips Petroleum Co., Pasadena; melt devolatilization; Adams Terminal-Jefferson Street, Highway 225; C-6883; new source

Phillips Petroleum Co., Old Ocean; petrosulfur compounds manufacture-methyl and ethyl mercaptan; Sweeny Refinery; C-6884; new source

Texas City Refining, Inc., Galveston; HF alkylation (Phillips Licensor); Loop 197 E; C-6882; new source

Cotton Country Seed and Delinting, Inc., Memphis; cotton seed delinting facility; West of Memphis on Texas 256; C-2208A; new source

Fairmont Resources Corp., Pasadena; separation facilities; Houston Facilities; C-6885; new source

Kinetic Concepts, Inc., San Antonio; jell pad manufacturing; 3417 Steen Drive; C-6886; new source

Chemical Exchange Co., Inc., Baytown; storage tank; Baytown Plant, Baker Road; C-6887; new source

Crockett Iron Works, Inc., Crockett; sandblasting and painting facility; West Goliad at Sallas; C-6888; new source

Dow Chemical Co., Freeport; dichloroethylether finishing system; C-6892; new source

Merichem Co., Houston; disposal well surface facilities; 1914 Haden Road, Greens Bayou; C-6890; new source

Victoria Grain Co., Victoria; grain receiving pit; Highway 87; C-6891; new source

Womble Contracting, Inc., Houston; blasting and coating facility; 5855 Cunningham Road; C-6893; new source

Rohm and Haas Texas Inc., Deer Park; electric drive raw gas screw compressor; SH 225; C-6894; new source

Nabisco, Inc., Houston; boilers (2); 6803 Alameda Road; C-6895; modification

El Paso Sand Products, El Paso; concrete plant; No. 1 McKelligon; C-6896; new source

Week Ending September 8, 1978

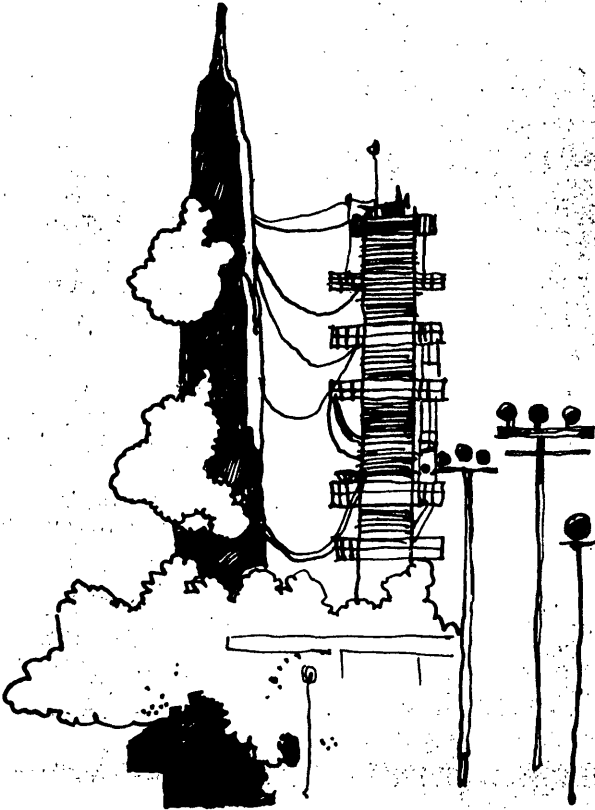
Austin Bridge Co., Houston; concrete batch plant; County Road 92 at SH 288; C-255D; new source

Exxon Chemical Co. USA, Houston; steam boiler; 8230 Stedman Street; C-6908; new source

West Point Pepperell Inc., New Braunfels; boiler; McQueeney Road, Iselin Mill; C-1183A; new source

West Point Pepperell, Inc., New Braunfels; boiler; 555 Porter Street, Mission Valley Mill; C-1182A; new source

West Point Pepperell Inc., New Braunfels; boiler; 555 Porter Street, Mission Valley Mill; C-1181A; new source



Texas Air Control Board Applications for Construction Permits

Information relative to these applications, including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the Central Office of the Texas Air Control Board, 8520 Shoal Creek Boulevard, Austin, Texas 78758.

A copy of all material submitted by the applicant is available for public inspection at the Central Office of the Texas Air Control Board at the address stated above and at the regional office for the air quality control region within which the proposed facility will be located.

The following list of construction permit applications were received during the weeks indicated below. Listed are the name of the applicant and the city in which the facility is located; type of facility; location of the facility (if available); permit number; and type of application—new source or modification.

Notice is given by the Texas Air Control Board of applications for construction permits received August 28, 1978, through September 8, 1978.

West Point Pepperell Inc., New Braunfels; boiler; McQueeney Road, Iselin Mill; C-1180A; new source

Globe Union Inc., Garland; battery repairs and cast on strap line; 1111 Shiloh Road; C-6904; new source

Globe Union Inc., Garland; lead oxide transfer and storage tanks; 1111 Shiloh Road; C-6903; new source

Globe Union Inc., Garland; cast on strap line; 1111 Shiloh Road; C-6902; new source

Globe Union Inc., Garland; cast on strap line; 1111 Shiloh Road; C-6901; new source

Globe Union Inc., Garland; cover and container heat sealing facility; 1111 Shiloh Road; C-6900; new source

Globe Union Inc., Garland; lead remelt oxide mixing and salvage recovery system; 1111 Shiloh Road; C-6899; new source

Globe Union Inc., Garland; lead oxide panel coating, drying, and separating facility; 1111 Shiloh Road; C-6898; new source

Texas Bitulithic Co., Nursery; aggregate screening plant—dry; Victoria County Project; C-6905; new source

Protective Coating Division, Triangle PWC, Inc., Houston; conduit coating machine facility; 12th Street Plant; C-5213A; new source

Union Carbide Corp., Port Lavaca; low pressure polyethylene plant; Highway 185, Seadrift plant; C-6141A; modification

G&S Materials Co., Inc., Corpus Christi; loading of materials on barges; Suntime Road, Viola Basin; C-2655A; new source

Owens Corning Fiberglass, Irving; afterburner; 209 North Nursery Road; C-6907; new source

National Petro Chemicals Corp., La Porte; silica gel manufacture and catalyst preparation modification; Miller Cut-off Road; C-2080A; modification

E.I. Du Pont De Nemours and Co., Inc., La Porte; chloroneb/methoxychlor manufacturing facility; Houston Plant; C-6736A; modification

Kerr Glass Manufacturing Corp., Arlington; crown lining machine; 315 Great Southwest Parkway; C-6909; new source

Metal Fabricating Co., Arlington; sandblasting facilities; 420 Dodson Lake Drive; C-6910; new source

Dow Chemical U.S.A., Texas Division, Freeport; examine storage tanks; Ethylenediamine Plant; C-6911; new source

Du Brook, Inc., Spring; ready mix concrete plant; Spring-Stuebner Road; C-6912; new source

Texaco, Inc., Ozona; gas sweetening unit; C-6916; new source

Wichita Falls Foundry, Subsidiary of Dana Corp., Wichita Falls; rail car unloading system; 307 Barwise; C-6915; new source

Keown Supply Co., Port Neches; drum mix asphalt plant; Main Street and Neches River; C-6914; new source

Diamond Shamrock Corp., La Porte; ship loading facility; Independence Plant, Miller Cut-off Road, C-6913; new source

Velsicol Chemical Corp., Beaumont; VCC-935A manufacturing facility; West Port Arthur Road; C-3714B; modification

Doc. No. 786156

Notice is given by the Texas Air Control Board of applications for construction permits received September 11-15, 1978.

Week Ending September 15, 1978

Bryco, Inc., Rockdale; concrete batch plant; East Highway 79; C-6921; new source

Texas Eastman Co., Division of Eastman Kodak Co., Longview; synthesis gas plant expansion; Harrison County; C-6506A; modification

Texas Eastman Co., Division of Eastman Kodak Co., Longview; aldehyde storage; Harrison County; C-6506B; new source

Tenneco Chemicals, Inc., Pasadena; polyvinyl chloride plant; 4403 La Porte Road; C-944B; modification

Drackett, Inc., Irving; ammonia drum storage fume hood; 2500 Carl Road; C-6920; new source

Exxon Corp., Crane; fluid transfer station; J. B. Tubb T/B No. 24; C-6919; new source

GAF Corp., Texas City; boilers; Highway 146 and Industrial Boulevard; C-6918 modification

H. R. Stricker Construction Co., Kingwood; air destructor for burning brush in pits; Lake Hills Drive; C-6917; new source

Superior Oil Co., Sabine Pass; gas/condensate separation facility; Block 14L Onshore; C-6925; new source

Carrollton Medical Center, Inc., Carrollton; pathological incinerator; 1711 South Broadway Street; C-6924; new source

Pearl Container Co., San Antonio; aluminum can manufacturing; 245 Newell Avenue; C-6923; new source

Trinity Valley Iron and Steel Co., Fort Worth; auto-mold process; 3400 Bryce; C-6922; new source

J&W Refining, Inc., Tacker; naphtha reformer; U.S. Highway 79; C-6927; new source

W. H. Knotts, Inc., Willis; wet batch ready mix plant; Bell Street; C-6928; new source

Gulf State Pipeline Co., Evadale; diesel pipeline pump; Jasper County; C-6926; new source

South Texas Concrete Co., Edinburg; concrete batching plant; 1214 South 27th Street; C-6931; new source

Liquid Air Inc., Baytown; liquid carbon dioxide plant; Airhart Drive; C-6930; new source

H. B. Zachry Co., San Antonio; central mix concrete plant; San Antonio International Airport; C-6929; new source

Issued in Austin, Texas, on September 19, 1978.

Doc. No. 786178 John B. Turney
Hearing Examiner
Texas Air Control Board

Filed: September 20, 1978, 10:20 a.m.

For further information, please call (512) 451-5711, ext. 354.

Comptroller of Public Accounts

Administrative Decisions

Summary of Administrative Decision 9070

Summary of Decision: A convertible debenture having a due date of more than one year from date of issuance should have been included as taxable debt in calculating franchise tax due for periods prior to May 1, 1973, because it qualified as a "debenture . . . which bears a maturity date of one year or more from date of issuance." (Texas Taxation—General Annotated, Article 20.01(L)(a)(ii).)

For copies of recent 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.

Doc. No. 786181

Summary of Administrative Decision 9126

Summary of Decision: Where property was sold to petitioner under a sales contract for one dollar and petitioner in turn cleared or forgave the person transferring the property of a debt unrelated to the property sold, a taxable sale occurred for sales and use tax purposes, with the sales price being one dollar plus the amount of the debt forgiven (Texas Taxation—General Annotated, Article 20.01(L)(1969)).

For copies of recent opinions selected and summarized by the Legal Services Division, contact Harriet Burke, Legal Serv-

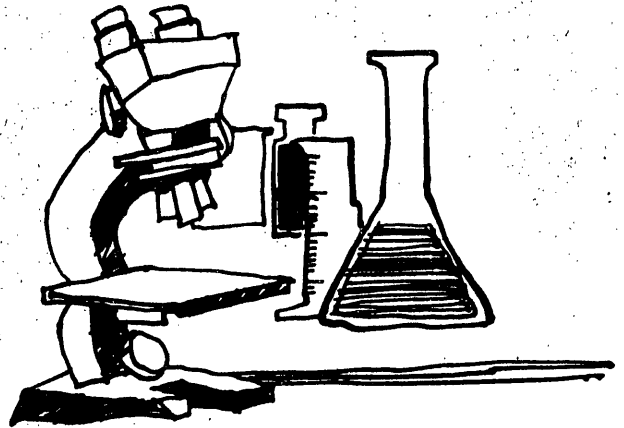
ices Division, P.O. Box 13528, Austin, Texas 78711. Copies will be edited to comply with confidentiality statutes.

Issued in Austin, Texas, on September 20, 1978.

Doc. No. 786182 Harriet D. Burke
Hearings Section
Comptroller of Public Accounts

Filed: September 20, 1978, 11:19 a.m.

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



Texas Department of Health Notice of Publication of Schedule of Controlled Substances

The Texas Controlled Substances Act, Article 4476-15, requires the Texas commissioner of health to file annually with the secretary of state a copy of the schedule of all substances controlled under the act. Following this law, the commissioner, on September 14, 1978, filed a copy of the current schedule, reflecting all changes made since the last annual filing, with the Administrative Division of the Secretary of State's Office. Copies of this schedule are filed and are available for public inspection in the Food and Drug Division, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756.

Issued in Austin, Texas, on September 14, 1978.

Doc. No. 786103 Dan LaFleur
Attorney
Texas Department of Health

Filed: September 15, 1978, 4:09 p.m.

For further information, please call (512) 458-7248.

Texas Department of Mental Health and Mental Retardation

Consultant Contract Award

Description of Contract. The contractor will provide analysis and programming services by individuals experienced in PL/I and IBM Series 370 OS MFT/HASP to modify and expand the Title XX client reporting system of the Texas Department of Mental Health and Mental Retardation.

Consultant: Cutler-Williams, Inc.; West Loop Place, Suite 707; Houston, Texas 77047.

Amount. The contract will not exceed the amount of \$33,284.

Due Date of Reports. The due date for reports that the consultant is to present to the department is November 30, 1978.

Issued in Austin, Texas, on September 15, 1978.

Doc. No. 786105 John J. Kavanagh, M.D.
Commissioner
Texas Department of Mental Health
and Mental Retardation

Filed: September 15, 1978, 4:08 p.m.

For further information, please call (512) 454-3761, ext. 352.

Texas State Board of Pharmacy

Licensure as Pharmacists

The Texas State Board of Pharmacy will be conducting examinations for licensure as pharmacists September 26-29, 1978, in Houston at the University of Houston. Reciprocity applicants will be examined September 26 and other applicants will be examined September 27-29.

Issued in Austin, Texas, on September 19, 1978.

Doc. No. 786159 Jim Riley
Director of Operations and
Administrative Services
Texas State Board of Pharmacy

Filed: September 19, 1978, 11:24 a.m.

For further information, please call (512) 478-9827.

Public Utility Commission of Texas

Consultant Proposal Request

Description of Project. The Texas Public Utility Commission desires to retain an outside consulting firm to assist in a

project designed to encourage the commercialization of cogeneration in Texas. The objectives of the project are:

- (1) to save energy by encouraging greater use of cogeneration;
- (2) to assist in the successful implementation of cogeneration projects in Texas; and
- (3) to document the steps necessary in the evaluation of and successful implementation of cogeneration facilities.

The role of the consultant will be:

- (1) to assist in the design of a model for the commercialization of cogeneration; and
- (2) to provide information and recommendations to facilitate the removal of regulatory and economic barriers.

Expectations. During 1978, the consultant would be expected to accomplish the following tasks:

- (1) identification of cogeneration projects in Texas that are either:
 - (a) in the planning stage,
 - (b) about to get underway, or
 - (c) in the first phase of implementation;
- (2) assistance in the selection of two sites for the evaluation of the feasibility for cogeneration and negotiation of agreement with site owners;
- (3) on-site assistance with:
 - (a) cost projections,
 - (b) revenue estimates,
 - (c) energy savings estimates,
 - (d) liaison with utility and industry representatives,
 - (e) removal of institutional barriers,
 - (f) analysis of surplus energy use options, etc.; and
- (4) preparation of monthly technical reports that would eventually provide the basis for detailed case studies of these cogeneration projects.

During 1979, the consultant would be expected to accomplish the following*:

- (1) production of a practical guide or handbook designed to enable utilities and industrial concerns to assess the feasibility of cogeneration at any given site;
- (2) production of detailed case studies of the evaluations performed at two cogeneration sites;
- (3) production of two audio-visual case studies that document the evaluation and implementation process, magnitude of energy savings, and representatives of the project for widespread applications in Texas; and
- (4) development and preparation for a statewide conference on cogeneration, to include agenda, logistics, publicity, and preparation of materials.

*1979 continuation of the project is contingent upon receipt of sufficient funding from the Texas Energy Conservation Program and satisfactory performance, as evaluated by commission staff, in the 1978 phase. Contracts for the 1978 and 1979 tasks will be let independently.

The proposal should be budgeted and proposed by task and year as listed above. Two or more alternative plans may be presented for each task if the consultant feels that more than one method could accomplish the tasks. Examples of similar studies or projects previously performed by the consultant and resumes of personnel expected to be involved should accompany the proposal.

Selection Criteria. The proposals will be judged on the following criteria:

- (1) strength and clarity of proposal;
- (2) experience and expertise of personnel;
- (3) knowledge of the regulatory process;
- (4) Texas firm or firm with a Texas office; and
- (5) specificity of proposal in terms of time, production costs, travel, and other expenses required to accomplish each task.

Cost and Due Date. The proposal for 1978 should not exceed \$35,000 and should be received at the Economic Research Division of the Texas Public Utility Commission, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, within 10 days of the publication date.

Contact Person. For clarification, contact Paul N. Smolen, project manager, at (512) 458-0207.

Issued in Austin, Texas, on September 19, 1978.

Doc. No. 786167 Philip F. Ricketts
 Commission Secretary
 Public Utility Commission of Texas

Filed: September 19, 1978, 3:04 p.m.

For further information, please call (512) 458-0207.

Texas Register Corrections of Error

Rule 060.07.03.011 of the *Alcoholic Beverage Commission*, which appeared in the Adopted Rules section of the September 5, 1978, issue of the *Texas Register* (3 TexReg 3093), was published with two errors. Reference to the Alcoholic Beverage Code made in Section (8)(A) should be to Section 41.01 of the code. The fourth sentence of Section (12)(A) should be omitted.

Rule 301.83.02.002(4) of the *Texas Department of Health*, which was published in the Adopted Rules section of the September 5, 1978, issue of the *Texas Register* (3 TexReg 3104), contained a typographical error. That paragraph should have read:

- (4) Eligible person—one who has shown qualifications to install, exchange, service, and repair residential treatment facilities by meeting standards of education, training, and experience set by the department.

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