

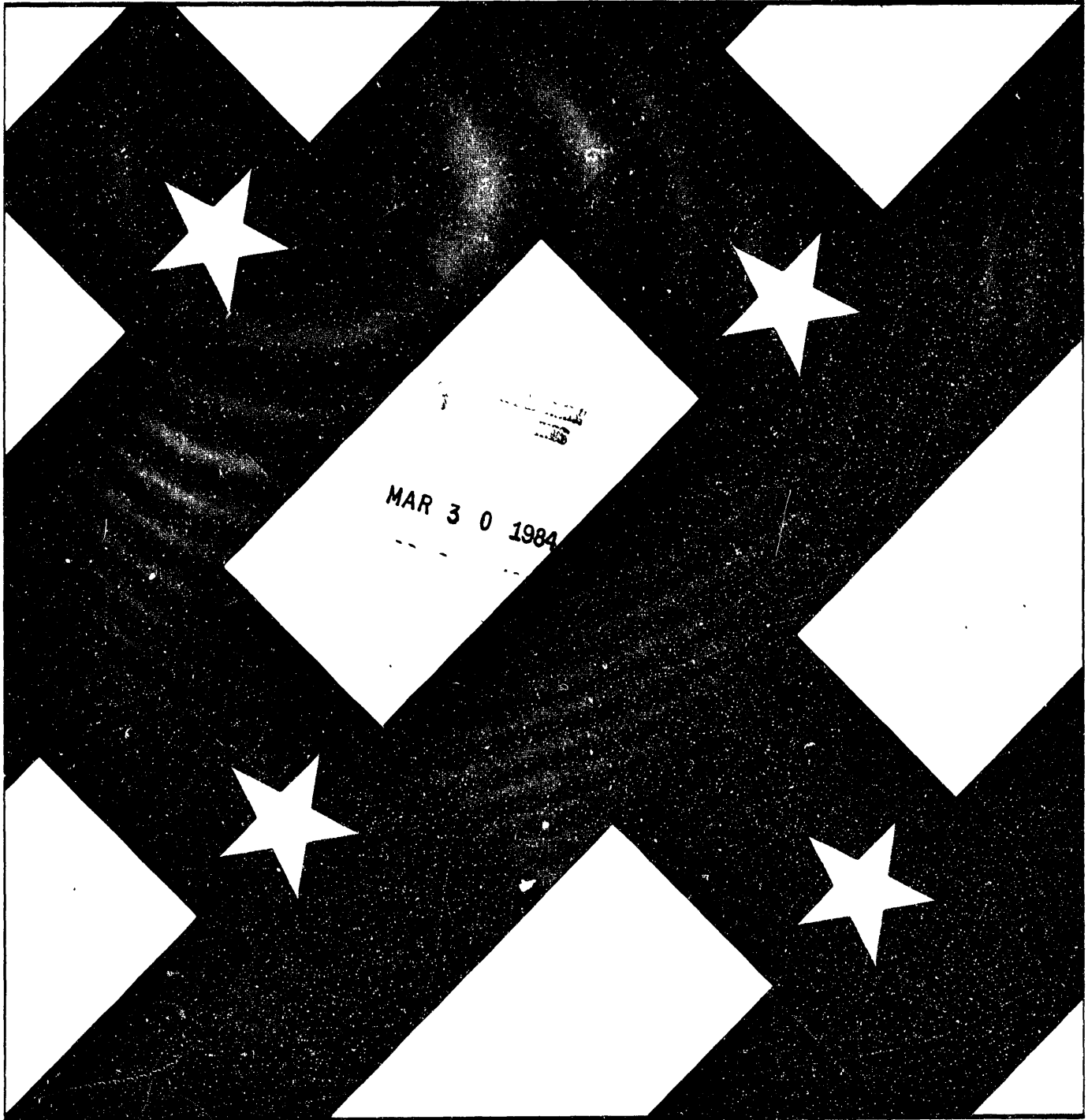
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# Texas Register

Volume 9, Number 22, March 23, 1984

Pages 1649 - 1724



## Highlights

The State Committee of Examiners for Speech-Language Pathology and Audiology adopts on an emergency basis new sections concerning speech-language pathologists and audiologists  
 Effective date - March 14 page 1657  
 The Texas Department of Health proposes new

sections concerning emergency medical services  
 Proposed date of adoption - May 12 page 1680  
 The Texas Department of Mental Health and Mental Retardation proposes new sections concerning other agencies and the public  
 Earliest possible date of adoption - April 23 page 1688

**Office of  
 the Secretary  
 of State**

## Texas Register

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- State Ethics Advisory Commission—summaries of requests for opinions and opinions
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- Emergency Rules—rules adopted by state agencies on an emergency basis
- Proposed Rules—rules proposed for adoption
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- Open Meetings—notices of open meetings
- In Addition—miscellaneous information required to be published by statute or provided as a public service

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## Texas Administrative Code

The *Texas Administrative Code* (TAC) is the approved, collected volumes of Texas administrative rules.

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1 indicates the title under which the agency appears in the *Texas Administrative Code*;

TAC stands for the *Texas Administrative Code*,

27.15 is the section number of the rule (27 indicates that the rule is under Chapter 27 of Title 1; 15 represents the individual rule within the chapter).



## Texas Register Publications

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As required by Texas Civil Statutes, Article 6252-13a, §6, the *Register* publishes executive orders issued by the Governor of Texas. Appointments made and proclamations issued by the governor are also published. Appointments are published in chronological order.

Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 475-3021.

# The Governor

## Appointments Made February 29

### Governor's Task Force on Hazardous Waste Management

For terms to expire at the pleasure of the governor:

Bruce F. McCall  
3850 Morgan's Creek  
San Antonio, Texas 78230

Juan Aranda, Jr.  
3031 Alameda Avenue  
El Paso, Texas 79905

Frank McBee  
6500 Tracor Lane  
Austin, Texas 78721

Damon L. Engle  
2118 Frostwood Circle  
Dickinson, Texas 77539

C. H. Rivers  
P.O. Box 100  
Deer Park, Texas 77536

Charles T. Seay  
P.O. Box 4004  
Baytown, Texas 77520

Dr. Rusty Raines  
706 Stonelake Drive  
Cleburne, Texas 76031

Howard Saxton  
P.O. Box 8069  
Dallas, Texas 75205

Diane Sheridan  
4127 Rolling Green  
Seabrook, Texas 77586

Dr. Ivan George Smith  
6014 Woodbrook  
Houston, Texas 77008

Fred Hartman  
1607 Southwood  
Baytown, Texas 77520

Joe Teller  
1410 Festival  
Houston, Texas 77062

Jerry D. Neel  
15423 Wandering Trail  
Friendswood, Texas 77546

Peter A. Bowman  
3716 Avenue O 1/2  
Galveston, Texas 77550

Moises V. Vela  
964 East Harrison  
Brownsville, Texas 78520

Donald M. Carlton  
4601 Cat Mountain Drive  
Austin, Texas 78731

Homer C. Wilson  
10536 Egret Lane  
Dallas, Texas 75230

Richard D. Stewart  
P.O. Box 347  
La Porte, Texas 77571

Carmalt Jackson, Jr.  
14302 Brook Hollow  
San Antonio, Texas 78232

Karen Shewbart  
Box 1224  
Freeport, Texas 77541

Frank Baker  
6214 Wynnwood  
Houston, Texas 77008

John Mobley  
P.O. Box 9987  
Austin, Texas 78766

Charles Woodruff, Jr.  
4911 B Hawk Cove  
Austin, Texas 78745

R. Kinnan Goleman  
3607-D Pinnacle Road  
Austin, Texas

Charles Johnson  
1920 Shiver Drive  
Alexandria, Virginia 22307

Sandra Pickett  
P.O. Box 23  
Liberty, Texas 77575

Louis A. Beecherl, Jr.  
3801 Beverly  
Dallas, Texas 75201

John T. Lurcott  
5123 Theall Road  
Houston, Texas 77066

Ken Kramer  
12212 Antoinette Place  
Austin, Texas 78727

Issued in Austin, Texas, on February 29, 1984.

TRD-843041      Mark White  
Governor of Texas

### Appointments Made March 5

#### Board of Tax Professional Examiners

For a term to expire March 1, 1987:

Joel D. Whitmire  
Tax Assessor-Collector  
Lamar Consolidated Independent School District  
P.O. Box 459  
Richmond, Texas 77469

Mr. Whitmire is replacing Gerald Carmona, who no longer qualifies.

Issued in Austin, Texas, on March 5, 1984.

TRD-843042      Mark White  
Governor of Texas

For a term to expire March 1, 1985:

Robert C. Willis  
Assessor and Collector of Taxes for Polk County  
416 North Washington  
Livingston, Texas 77351

Mr. Willis is replacing Audrey Bruse, who no longer qualifies.

Issued in Austin, Texas, on March 5, 1984.

TRD-843043      Mark White  
Governor of Texas

### Appointments Made March 6

#### Board of Vocational Nurse Examiners

For a term to expire September 6, 1989:

Adelia Duhon Miller  
Route 1, Box 422  
Whitehouse, Texas 75791

Mrs. Miller is replacing Donetta Goodall of Austin, whose term expired.

Issued in Austin, Texas, on March 6, 1984.

TRD-843044      Mark White  
Governor of Texas

#### Home Health Services Advisory Council

For a term to expire January 31, 1986:

Kenneth Lemke  
Route 7, Box 92  
Victoria, Texas 77901

Mr. Lemke is being reappointed.

Issued in Austin, Texas, on March 6, 1984.

TRD-843045      Mark White  
Governor of Texas



Under provisions set out in the Texas Constitution, Texas Civil Statutes (Article 4399), and numerous statutes, the attorney general is authorized to write advisory opinions for state and local officials. These advisory opinions are requested by agencies or officials when they are confronted with unique or unusually difficult legal questions. The attorney general also determines, under authority of the Texas Open Records Act, whether information requested for release from governmental agencies may be held from public disclosure.

Requests for opinions, opinions, and open record decisions are summarized for publication in the *Register*.

Questions on particular submissions, or requests for copies of opinion requests should be addressed to Susan L. Garrison, Opinion Committee chairwoman, Office of the Attorney General, Supreme Court Building, Austin, Texas 78711, (512) 475-5445. Published opinions and open records decisions may be obtained by addressing a letter to the file room, fourth floor, P.O. Box 12548, Austin, Texas 78711-2548, or by telephoning (512) 475-3744. A single opinion is free; additional opinions are \$1.00 a copy.

# The Attorney General

## Requests for Opinions

**RQ-289.** Request from Lawrence K. Pettit, chancellor, University System of South Texas, Kingsville, concerning whether a self-study report prepared by Texas A&I University is available to the public under the Open Records Act.  
TRD-843028

**RQ-290.** Request from Carlos D. Godinez, M.D., president, Texas State Board of Medical Examiners, Austin, concerning reimbursement to physicians for the cost of drugs prescribed to patients.  
TRD-843029

**RQ-291.** Request from D. V. McKaskle, acting director, Texas Department of Corrections, Huntsville, concerning whether a sketch showing prison security measures during a future execution is available to the public under the Open Records Act.  
TRD-843030

**RQ-292.** Request from James B. Adams, director, Texas Department of Public Safety, Austin, concerning authority to enforce criminal penalties pursuant to administrative rules under Texas Civil Statutes, Article 6701d, requiring special vehicle emissions inspection.  
TRD-843031

**RQ-293.** Request from Lloyd Criss, chairman, Committee on Labor and Employment Relations, Texas House of Representatives, Austin, concerning whether an individual may serve simultaneously as

county auditor and city councilman of a city located in that county.  
TRD-843032

**RQ-294.** Request from John W. Davis, O.D., chairman, Texas Optometry Board, Austin, concerning reconsideration of Attorney General Opinion MW-499 on the optometric use of eye drops under the Medical Practices Act, §3.06(d)(5)  
TRD-843033

**RQ-295.** Request from D. V. McKaskle, acting director, Texas Department of Corrections, Huntsville, concerning availability to an inmate of the Texas Department of Corrections of records maintained about that inmate.  
TRD-843034

**RQ-296.** Request from Ernie W. Tullis, administrator, Texas Employment Commission, Austin, concerning whether material relating to a test administered by the Texas Employment Commission is available to the public under the Open Records Act  
TRD-843035

**RQ-297.** Request from Lloyd Doggett, chairman, Senate Subcommittee on Consumer Affairs, Austin, concerning whether Texas Civil Statutes, Article 1175, §19, authorizes a home-rule city to adopt and enforce regulations which are applicable outside city limits and which provide standards for the safe storage of hazardous materials over the watersheds in and surrounding the home-rule city.  
TRD-843036

**RQ-298.** Request from John C. Wilson, executive director, State Commission for the Blind, Austin, concerning whether the State Commission for the Blind may contract with private organizations to perform rehabilitative services for blind adults  
TRD-843037

**RQ-299.** Request from Michael J. Guarino, criminal district attorney, Galveston, concerning the legal status of the City of Dickinson  
TRD-843038

**RQ-300.** Request from Luther Jones, county attorney, El Paso, concerning whether a list of identification cards issued by a sheriff is available to the public under the Open Records Act  
TRD-843039

**RQ-301.** Request from Jim Boyle, public counsel, Office of Public Utility Counsel, Austin, concerning whether telephone rates must be based on actual, known, or historic costs.  
TRD-843040

## Opinions

**JM-135 (RQ-148).** Request from Margaret Moore, Travis County attorney, Austin, and Jorge A. Solis, criminal district attorney, Abilene, concerning whether a taxing unit other than a county may impose the penalty authorized by the Tax

## Texas Register

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Code, §33.07, where such taxing unit is under contract with the county to enforce delinquent tax collections and whether such charge may be imposed when such taxing unit is under contract with a city

**Summary of Opinion.** Neither a county attorney nor a city attorney possesses the contractual capacity to enter into contract for the enforcement of delinquent tax collection while acting in his official capacity. No taxing unit which contracts with either a county or a city for delinquent tax collection may impose the additional penalty permitted by the Tax Code, §33.07, when the county attorney or the city attorney repre-

sents the county or city, respectively, in the enforcement of delinquent tax collection  
TRD-843159

**JM-136 (RQ-251).** Request from Bob Bush, chairman, Committee on Judiciary, Texas House of Representatives, Austin, and Oscar H. Mauzy, chairman, Committee on Jurisprudence, Texas State Senate, Austin, concerning whether Texas Civil Statutes, Article 6686(a)(7), as amended by House Bill 1778, applies to persons who sell boat trailers but not self-propelled vehicles.

**Summary of Opinion.** Texas Civil Statutes, Article 6686, §(a)(7), remains applicable to persons who sell boat trailers but do

not sell self-propelled vehicles, the bond required by that subsection, however, is inapplicable to such persons.

TRD-843160

**JM-137 (RQ-263).** Request from Rita Horwitz, executive director, State Pension Review Board, Austin, concerning whether a hospital authority must register with the State Pension Review Board

**Summary of Opinion.** The Richardson Hospital Authority is a "political subdivision" within the meaning of Texas Civil Statutes, Title 110B, §12.001.

TRD-843161



An agency may adopt a new or amended rule, or repeal an existing rule on an emergency basis, if it determines that such action is necessary for the public health, safety, or welfare of this state. The rule may become effective immediately upon filing with the *Texas Register*, or on a stated date less than 20 days after filing for no more than 120 days. The emergency action is renewable once for no more than 60 days.

An agency must submit written reasons, published in the *Register*, for emergency action on a rule. The submission must also include a statement of the legal authority under which the emergency action is promulgated and the text of the emergency adoption. Following each published emergency document is certification information containing the effective and expiration dates of the action and a telephone number from which further information may be obtained.

Symbology in amended rules. New language added to an existing rule is indicated by the use of **bold text**. [Brackets] indicate deletion of existing material within a rule.

# Emergency Rules

## TITLE 22. EXAMINING BOARDS Part XXXII. State Committee of Examiners for Speech-Language Pathology and Audiology Chapter 741. Speech-Language Pathologists and Audiologists

The State Committee of Examiners for Speech-Language Pathology and Audiology adopts on an emergency basis new § 741.1, 741.2, 741.11-741.26, 741.41, 741.61-741.64, 741.81-741.84, 741.101-741.103, 741.121-741.129, 741.141-741.144, 741.161-741.165, 741.181, and 741.191-741.198, concerning the licensure and regulation of speech-language pathologists and audiologists and aides in audiology and speech-language pathology.

The emergency adoptions are necessary because a person may not practice or represent himself or herself as a speech-language pathologist or audiologist in Texas after August 31, 1984, without a license. For the committee to process all licensing applications by this date, it needs to have licensing procedures, examination requirements, and experience criteria established as soon as possible. Applications are already being received and cannot be processed until these sections are adopted. The sections are also proposed for permanent adoption in this issue of the *Texas Register*.

### Subchapter A. Introduction

#### 22 TAC § 741.1, § 741.2

These new sections are adopted on an emergency basis under Texas Civil Statutes, Article 6252-13a, § 10(a)(2), which authorize emergency rules, and

Texas Civil Statutes, Article 4512j, § 5, which provide the State Committee of Examiners for Speech-Language Pathology and Audiology, subject to approval of the Texas Board of Health, with the authority to adopt rules consistent with the Speech-Language Pathology and Audiology Licensure Act necessary to administer and enforce the Act.

**§ 741.1 Purpose.** The purpose of these rules is to set out the organization and administration and other general procedures and policies governing the operation of the State Committee of Examiners for Speech-Language Pathology and Audiology.

**§ 741.2 Definitions.** The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

**Act**—The Act relating to the licensing and regulation of speech-language pathologists and audiologists, Texas Civil Statutes, Article 4512j.

**Audiologist**—An individual who practices audiology.

**Board**—The Texas Board of Health.

**Committee**—The State Committee of Examiners for Speech-Language Pathology and Audiology, as defined in the Act, § 3.

**Department**—The Texas Department of Health.

**Extended absence**—More than two consecutive working days for any single continuing education experience.

**Health, welfare, or safety of the public**—The protection of the public from unprofessional conduct by speech-language pathologists and audiologists, licensed aides in speech-language pathology, and licensed aides in audiology as described in § 741.41 of this title (relating to Code of Ethics).

**License**—The document required by the Act which provides verification that an individual has met the re-

quirements for qualification and practice as set forth in the Act and as interpreted within this chapter.

**Licensed aide in audiology**—An individual who works under the direct, on-site supervision and direction of a licensed audiologist and who meets the qualifications set forth in this chapter.

**Licensed aide in speech-language pathology**—An individual who works under the direct, on-site supervision and direction of a licensed speech-language pathologist and who meets the qualifications set forth in this chapter.

**Month**—A calendar month.

**Person**—An individual, a corporation, partnership, or other legal entity

**Practice of audiology**—The application of non-medical principles, methods and procedures for the measurement, testing, appraisal, prediction, consultation, counseling, habilitation, rehabilitation, or instruction related to hearing and disorders of hearing and for the purpose of rendering or offering to render services or for participating in the planning, directing, or conducting of programs which are designed to modify communicative disorders involving speech, language, auditory function, or other aberrant behavior relating to hearing loss. An audiologist may engage in any tasks, procedures, acts, or practices that are necessary for the evaluation of hearing, for training in the use of amplification including hearing aids, or for the making of earmolds. An audiologist may participate in consultation regarding noise control and hearing conservation, may provide evaluations of environment or equipment including calibration of equipment used in testing auditory functioning and hearing conservation, and may perform the basic speech and language screening tests and procedures consistent with his or her training.

**Practice of speech-language pathology**—The application of nonmedical principles, methods, and procedures for the measurement, testing, evaluation, prediction, counseling, habilitation, rehabilitation, or instruction related to the development and disorders of speech, voice, or language for the purpose of rendering or offering to render services, or for participating in the planning, directing, or conducting of programs which are designed to modify communicative disorders and conditions in individuals or groups of individuals. Speech-language pathologists may perform the basic audiometric screening tests and hearing therapy procedures consistent with their training.

**Proof of bona fide practice**—The presentation of evidence to the committee that the applicant seeking the time-limited waiver of requirements under special conditions has been engaged in the practice of the profession for which licensure is sought.

**Rules**—Sections 741.1-741.198 of this title (relating to Speech-Language Pathologists and Audiologists) covering the designated policies and procedures of operation for the committee and for individuals affected by the Act.

**Speech-language pathologist**—An individual who practices speech-language pathology.

**Subcommittee**—The chair may appoint committee members to subcommittees to assist the committee in its work.

**Temporary certificate of registration**—A nonrenewable document issued by the committee to an individual who fulfills the qualifications for licensure with the exception of the examination. The document entitles the individual to practice speech-language pathology or audiology for a period ending eight weeks after the conclusion of the next examination given after the date of issuance of the certificate.

**Waiver**—The suspension of educational, professional, and/or examination requirements for applicants who meet the criteria for licensure under special conditions.

**Year**—A calendar year.

Issued in Austin, Texas, on March 13, 1984.

TRD-843025

Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Effective date: March 14, 1984

Expiration date: July 12, 1984

For further information, please call (512) 458-7531.

## Subchapter B. The Committee

### 22 TAC §§741.11-741.26

These new sections are adopted on an emergency basis under Texas Civil Statutes, Article 6252-13a, §10(a)(2), which authorize emergency rules, and Article 4512j, §5, which provide the State Committee of Examiners for Speech-Language Pathology and Audiology, subject to approval of the Texas Board of Health, with the authority to adopt rules consistent with the Speech-Language Pathology and Audiology Licensure Act necessary to administer and enforce the Act.

#### §741.11. Officers.

##### (a) Chair.

(1) The chair shall preside at all meetings at which he or she is in attendance and perform all duties prescribed by law or these committee rules.

(2) The chair is authorized by the committee to make day-to-day minor decisions regarding committee activities in order to facilitate the responsiveness and effectiveness of the committee.

##### (b) Vice-chair.

(1) The vice-chair shall perform the duties of the chair in the absence or disability of the chair.

(2) Should the office of the chair become vacant, the vice-chair shall serve until a successor is named.

##### (c) Secretary-treasurer.

(1) The secretary-treasurer will sign the approved minutes of the committee

(2) The secretary-treasurer will sign other approved documents of the committee in the absence of the chair and vice-chair.

§741.12. *Subcommittees.* The chair may appoint committee members to subcommittees to assist the committee in its work. All subcommittees appointed by the chair shall consist of no more than four members and shall

make regular reports to the committee by interim written reports or at regular meetings. The committee shall direct all such reports to the executive secretary for distribution.

**§741.13. Transaction of Official Business.**

(a) The committee may transact official business only when in a legally constituted meeting with a quorum present. Five members of the committee constitute a quorum.

(b) The committee shall not be bound in any way by any statement or action on the part of any committee member, subcommittee, or staff member except when a statement or action is in pursuance of the specific instruction of the committee.

(c) Any individual wishing to be on the agenda to speak at a meeting of the committee must provide written request which describes the topic to be addressed. Notice of acceptance or denial of request will be provided in writing to the individual making the request. The written request must be received by the executive secretary at least 21 working days prior to the committee meeting.

**§741.14. Elections.**

(a) At the meeting held nearest to August 31 of each year, the committee shall elect, by a simple majority vote of those members present, a chair, a vice-chair, and a secretary-treasurer.

(b) A vacancy which occurs in the offices of chair, vice-chair, or secretary-treasurer may be filled by simple majority vote of those members present at any regular meeting.

**§741.15. Executive Secretary.**

(a) The executive secretary of the committee shall be an employee of the Texas Department of Health and shall serve as the administrator of committee activities.

(b) The executive secretary shall keep the minutes of the meetings and proceedings of the committee and shall be the custodian of the files and records of the committee.

(c) The executive secretary shall exercise general supervision over individuals employed in the administration of the Act, at the direction of the committee.

(d) The executive secretary shall be responsible for the preliminary investigation of complaints and for the presentation of formal complaints. A subcommittee may be appointed for extensive investigation.

(e) The executive secretary shall handle all correspondence for the committee and obtain, assemble, or prepare reports and information that the committee may modify or authorize.

(f) The executive secretary or the executive secretary's designee shall have the responsibility of assembling and reviewing materials submitted by applicants for licensure. Determinations made by the executive secretary or the executive secretary's designee are subject to the approval and/or modification of the committee which shall make the final decision regarding the eligibility of the applicants.

(g) The executive secretary or the executive secretary's designee may serve as the administrator of licensure examinations, as directed by the committee.

(h) The executive secretary shall sign the approved minutes of each meeting and affix the seal of the committee.

**§741.16. Agendas.**

(a) The executive secretary shall prepare and submit to each member of the committee prior to each meeting an agenda which includes items required by law, items requested by members, and other matters of committee business which have been approved for discussion by the chair.

(b) The official agenda of a committee meeting shall be filed with the Office of the Secretary of State, as required by law.

**§741.17. Meetings.**

(a) The committee shall hold at least two regular meetings and additional meetings as necessary during each year ending on August 31.

(b) The chair may call meetings after consultation with the committee. Meetings may also be called by a majority of members so voting at a regular meeting, or by the written request of any three members.

(c) Meetings shall be announced and conducted under the provisions of the Texas Open Meetings Act, Texas Civil Statutes, Article 6252-17.

(d) Members of the public who attend meetings may participate at the discretion of the chair. Any member of the public who desires to participate shall notify the chair prior to the meeting.

**§741.18. Rules of Parliamentary Procedure.** All official decisions made by the committee shall be made according to parliamentary procedure as set forth in *Robert's Rules of Order Revised*. If a question arises concerning interpretation of *Robert's Rules of Order Revised*, the chair or vice-chair will make the decision.

**§741.19. Minutes.**

(a) The approved minutes of the committee meetings are official only when affixed with the original signature of the chair, the secretary-treasurer, and the executive secretary and authenticated by the seal of the committee.

(b) Prior to approval by the committee, drafts of the minutes of each meeting shall be forwarded to each member for review and comments or corrections.

**§741.20. Attendance.** Members are to attend regular meetings as scheduled. The attendance records of the members may be made available to the governor of the State of Texas and/or the Texas Sunset Advisory Commission.

**§741.21. Official Records.**

(a) All official records of the committee, except files containing information considered confidential under the provisions of the Texas Open Records Act, Texas Civil Statutes, Article 6252-17a, shall be open for inspection during regular office hours.

(b) An individual desiring to examine official records shall be required to show proof of identification and sign statements listing the records requested and examined.

(c) Official records shall not be taken from committee offices; however, individuals may obtain photo-

copies of files upon written request and by paying, in advance, the costs as set by the State Purchasing and General Services Commission.

**§741.22. Seal.** The official seal of the committee shall consist of a circle with the words "State Committee of Examiners for Speech-Language Pathology and Audiology" circularly arranged about the inner edge of the circle, and in the center of the circle there shall be a five-pointed star, surrounded by the live oak and the olive branches common to official seals of the State of Texas.

**§741.23. Policy Against Discrimination.** The committee shall make no decision in the discharge of its statutory authority with regard to any individual's race, religion, color, sex, or national origin.

**§741.24. Impartiality.** Any committee member who is unable to be impartial in any proceeding before the committee such as that pertaining to an applicant's eligibility for licensure or a complaint against or violation by a licensee shall so declare this partiality to the committee and shall not participate in any committee proceedings involving that individual.

**§741.25. Reimbursement for Expenses.**

(a) A committee member is entitled to reimbursement for expenses incurred for transaction of committee business. Reimbursement includes necessary and appropriate daily expenses (per diem), as well as transportation expenses which are necessary and appropriate for the transaction of committee business. Reimbursement shall be governed by the latest General Appropriations Act passed by the Texas legislature.

(b) Payment to members of per diem and transportation expenses which are necessary and appropriate shall be transacted through official state vouchers which have been approved by the executive secretary.

**§741.26. Policy Regarding Handicapped Applicants.**

(a) The committee will make an effort to accommodate the special problems and needs of handicapped individuals regarding the application process.

(b) The committee may consider special requests for extraordinary arrangements for handicapped applicants.

(c) Any special requests granted must not violate rules of the committee nor the general welfare of the public.

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Robert A. MacLean, M.D.  
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Professional Services  
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## Subchapter C. The Practice of Speech-Language Pathology and Audiology

22 TAC §741.41

The new section is adopted on an emergency basis under Texas Civil Statutes, Article 6252-13a, §10(a)(2), which authorize emergency rules, and Article 4512j, §5, which provide the State Committee of Examiners for Speech-Language Pathology and Audiology, subject to approval of the Texas Board of Health, with the authority to adopt rules consistent with the Speech-Language Pathology and Audiology Licensure Act necessary to administer and enforce the Act.

**§741.41. Code of Ethics.** This rule in this subchapter establishes the standards of professional and ethical conduct required of a speech-language pathologist, an audiologist, a licensed aide in speech-language pathology, and a licensed aide in audiology, and constitutes a Code of Ethics as authorized by the Act, §17(a)(3). It is the responsibility of all licensed speech-language pathologists, audiologists, licensed aides in speech-language pathology, and licensed aides in audiology to uphold the highest standards of integrity and ethical principles

(1) Licensees shall hold paramount the welfare of individuals served professionally.

(A) Licensees shall fully inform individuals served of the nature and possible effects of the services rendered by the licensee.

(B) Licensees shall not engage in the medical treatment of speech-language and hearing disorders.

(C) Licensees shall seek appropriate medical consultation whenever indicated.

(D) Licensees shall fully inform subjects participating in research or teaching activities of the nature and possible effects of these activities.

(E) Licensees shall maintain adequate records of professional services rendered and shall provide appropriate access to records of individuals served professionally.

(F) Licensees' fees shall be commensurate with services rendered.

(G) Licensees must not guarantee, directly or by implication, the results of any therapeutic procedures. A reasonable statement of prognosis may be made, but caution must be exercised not to mislead individuals served professionally to expect results that cannot be predicted from reliable evidence

(H) Licensees must not delegate any service requiring professional competence of a licensed clinician to anyone not licensed for the performance of that service.

(1) Licensees shall seek to identify competent, dependable referral sources for individuals served professionally.

(2) Licensees' statements to individuals served professionally and to the public shall provide accurate information about the nature and management of communicative disorders and about the profession and the services rendered by its practitioners.

(A) Licensees shall not misrepresent their training or competence.

(B) Licensees' public statements providing information about professional services and products shall not contain representations or claims that are false, deceptive, or misleading.

(C) Licensees shall not use professional or commercial affiliations in any way that would mislead or limit services to individuals served professionally.

(3) Licensees shall maintain objectivity in all matters concerning the welfare of individuals served professionally

(A) Licensees must not participate in activities that constitute a conflict of professional interest.

(B) Activities that constitute a conflict of interest may include the following:

(i) the exclusive recommendation of a product which the individual owns or has produced;

(ii) lack of accuracy in the performance description of a product a licensee has developed;

(iii) the restriction of freedom of choice for sources of services and/or products.

(4) Licensees shall honor the standards of the profession and shall uphold these standards in their professional interactions with colleagues and members of allied professions

(5) Licensees shall inform the committee of violations of this Code of Ethics and shall cooperate fully with the committee in matters of professional conduct related to this Code of Ethics.

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## Subchapter D. Academic Requirements for Examination and Licensure for Speech-Language Pathologists

22 TAC §§741.61-741.64

These new sections are adopted on an emergency basis under Texas Civil Statutes, Article 6252-13a, §10(a)(2), which authorize emergency rules, and Article 4512j, §5, which provide the State Committee of Examiners for Speech-Language Pathology and Audiology, subject to approval of the Texas Board of Health, with the authority to adopt rules consistent with the Speech-Language Pathology and Audiology Licensure Act necessary to administer and enforce the Act.

§741.61. *Purpose.* The purpose of this subchapter is to delineate the academic requirements for examination and licensure for speech-language pathologists beginning August 31, 1984

(1) An applicant must have earned at least a master's degree with a major in speech-language pathology. These requirements should be consistent with the

academic requirements of the American Speech-Language-Hearing Association for the Certificate of Clinical Competency in Speech-Language Pathology.

(2) To be eligible for licensing as a speech-language pathologist, an applicant must submit official transcripts showing successful completion of at least 30 semester hours in courses which are acceptable toward a graduate degree by the college or university in which they were taken. At least 21 graduate hours must be within the professional area of speech-language pathology and at least six graduate hours in audiology. Three semester hours in audiology must be in habilitative/rehabilitative procedures with speech and language problems associated with hearing impairment, and three semester hours must be in the study of the pathologies of the auditory system and assessment of auditory disorders.

(3) The undergraduate and graduate preparation required in speech-language pathology should be in the broad, but not necessarily exclusive, categories of study as follows:

(A) information pertaining to the normal development and use of speech, language, and hearing, with emphasis on the normal aspects of human communication;

(B) information pertaining to evaluation, habilitation, and rehabilitation of speech, language, and hearing disorders;

(C) information pertaining to related areas that augment the work of clinical practitioners of speech-language pathology (i.e., theories of learning and behavior, information pertaining to related professions that also deal with individuals who have communication disorders, and information from these professions about the sensory, physical, emotional, social, and/or intellectual status of a child or an adult) No more than three semester hours in any of the following areas may be accepted:

(i) in statistics, beyond the introductory level course;

(ii) academic study of the administrative organization of speech-language pathology and audiology programs;

(iii) courses that provide an overview of research; or

(iv) academic credit for a thesis or dissertation.

(4) Transcripts shall be reviewed as follows:

(A) Degrees and/or course work must have been completed at a college or university within the United States of America which holds accreditation or candidacy status from a recognized regional accrediting agency, such as the Southern Association of Colleges and Universities.

(B) Degrees and/or course work received at foreign universities shall be acceptable only if such course work can be counted as transfer credit by accredited universities, as reported by the American Association of Collegiate Registrars and Admissions Officers

(C) Academic courses, the titles of which are not self-explanatory, must be substantiated through course descriptions in official school catalogs or bulletins or by other official means

(D) The committee shall not accept an undergraduate level course taken by an applicant as meeting academic requirement for licensure at the graduate level,

unless the applicant's official transcript clearly shows that the course was awarded graduate credit by the college or university from which the graduate degree was granted.

(E) Academic credit obtained from practice teaching or practice work in other professions will not be counted toward the minimum requirements.

(F) The committee shall only accept course work completed with a passing grade or for credit. In the case of course work taken outside a program of studies from which a degree was granted, no grade below C shall be counted toward meeting academic requirements for examination for licensure.

(G) The committee shall consider a quarter hour of academic credit as two-thirds of a semester hour.

(5) To be eligible for licensing as a speech-language pathologist, an applicant must have completed a minimum of 300 clock hours of supervised clinical experience with individuals who present a variety of communication disorders. This experience must have been obtained within a training institution, or in one of its cooperating programs, under the supervision of an individual holding a valid license to practice speech-language pathology, and/or its equivalent, provided during the first year of this Act, the supervision may be under a person who would have met the qualifications under this Act.

(6) To be eligible for licensing as a speech-language pathologist, an applicant must have obtained the equivalent of nine months of full-time, 40 hours weekly, supervised professional experience in which bona fide clinical work has been accomplished in speech-language pathology. This work must have been completed under the supervision of an individual who holds a master's degree in speech-language pathology and a valid license to practice speech-language pathology in the State of Texas (provided during the first year of the Act the supervision may be under a person who would have met the qualifications under this Act), and/or the American Speech-Language-Hearing Association Certificate of Clinical Competence in Speech-Language Pathology and/or its equivalent.

**§741.62. Special Conditions for Licensure of Speech-Language Pathologists Prior to August 31, 1984.**

(a) The committee, on request, must waive educational, professional experience, and examination requirements for licensure in speech-language pathology for applicants who, prior to August 31, 1984, meet the following requirements:

- (1) hold a baccalaureate or graduate degree;
- (2) are fully certified by the Texas Education Agency in speech and hearing therapy or in the judgment of the committee have met equivalent requirements;
- (3) were engaged in the practice of speech-language pathology within two years of the effective date of the Act; and
- (4) have filed an application for licensure with the committee before August 31, 1984.

(b) Such licenses shall be issued without delay and shall be renewed in the same manner as licenses granted under other provisions of these committee rules.

(c) The committee may waive the examination and grant licensure to a speech-language pathologist who holds a license from another state provided that the license

represents professional standards considered by the committee to be equivalent to those set forth in the Act.

(d) The committee may waive examination and grant licensure to an applicant who holds the Certificate of Clinical Competence of the American Speech-Language-Hearing Association in Speech-Language Pathology or who has met equivalent requirements.

(e) Transcripts shall be reviewed as in §741.61(4) of this title (relating to Purpose).

**§741.63. Special Conditions for Licensure of Speech-Language Pathologists after August 30, 1984.**

(a) The committee may waive the examination and grant licensure to a speech-language pathologist who holds a license from another state, provided that the license represents professional standards considered by the committee to be equivalent to those set forth in the Act.

(b) The committee may waive the examination and grant licensure to an applicant who holds the Certificate of Clinical Competence of the American Speech-Language-Hearing Association in Speech-Language Pathology or who has met equivalent requirements.

(c) Transcripts shall be reviewed as in §741.61(4) of this title (relating to Purpose).

**§741.64. Requirements for a Licensed Aide in Speech-Language Pathology**

A licensed aide in speech-language pathology shall perform duties under the direct on-site supervision and direction of an individual who holds a valid license to practice speech-language pathology in the State of Texas. The following are established as minimum requirements to function as a licensed aide in speech-language pathology:

- (1) a baccalaureate degree;
- (2) no fewer than 24 semester hours in speech-language pathology and audiology course work; and
- (3) transcripts shall be reviewed as in §741.61(4) of this title (relating to Purpose).

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## **Subchapter E. Academic Requirements for Examination and Licensure for Audiologists**

### **22 TAC §§741.81-741.84**

These new sections are adopted on an emergency basis under Texas Civil Statutes, Article 6252-13a, §10(a)(2), which authorize emergency rules, and Article 4512j, §5, which provide the State Committee of Examiners for Speech-Language Pathology and Audiology, subject to approval of the Texas Board of Health, with the authority to adopt rules consistent with the Speech-Language Pathology and Audiology

Licensure Act necessary to administer and enforce the Act.

**§741.81. Purpose** The purpose of this section is to delineate the academic requirements for examination and licensure as an audiologist beginning November 30, 1983.

(1) An applicant must have earned at least a master's degree with a major in audiology. These academic requirements should be consistent with the academic requirements of the American Speech-Language-Hearing Association for the Certificate of Clinical Competence in Audiology.

(2) To be eligible for licensing as an audiologist, an applicant must submit official transcripts showing successful completion of at least 30 semester hours in courses that are acceptable toward a graduate degree by the college or university in which they are taken. At least 21 graduate hours shall be within the professional area of audiology and at least six graduate hours in speech-language pathology. The six semester hours of professional education required in speech-language pathology should include three hours in the area of speech pathology and three hours in the area of language pathology, and should be related to evaluation procedures and management of speech and language problems that are not associated with hearing impairment.

(3) The undergraduate and graduate preparation required in audiology should be in the broad, but not necessarily exclusive, categories of study as follows:

(A) information pertaining to the normal development and use of speech, language, and hearing with emphasis on the normal aspects of human communication;

(B) information pertaining to evaluation, habilitation, and rehabilitation of speech, language, and hearing disorders,

(C) information pertaining to related fields that augment the work of clinical practitioners of audiology (i.e., theories of learning and behavior, information pertaining to related professions that also deal with individuals who have communication disorders, and information from these professions about the sensory, physical, emotional, social, and/or intellectual status of a child or an adult). No more than three semester hours in any of the following areas may be accepted:

(i) in statistics, beyond the introductory level course;

(ii) academic study of the administrative organization of speech-language pathology and audiology programs;

(iii) courses that provide an overview of research; or

(iv) academic credit for a thesis or dissertation

(4) Transcripts shall be reviewed as follows:

(A) Degrees and/or course work must have been completed at a college or university within the United States of America which holds accreditation or candidacy status from a recognized regional accrediting agency, such as the Southern Association of Colleges and Universities.

(B) Degrees and/or course work received at foreign universities shall be acceptable only if such course work could be counted as transfer credit from accredited

universities, as reported by the American Association of Collegiate Registrars and Admissions Officers.

(C) Academic courses, the titles of which are not self-explanatory, must be substantiated through course descriptions in official school catalogs or bulletins or by other official means.

(D) The committee shall not accept undergraduate level courses taken by an applicant as meeting any academic requirement unless the applicant's official transcript clearly shows that the course was awarded graduate credit by the college or university from which the graduate degree was granted.

(E) Academic credit obtained from practice teaching or practice work in other professions will not be counted toward the minimum requirement.

(F) The committee shall only accept course work completed with a passing grade or for credit. In the case of course work taken outside a program of studies from which a degree was granted, no grade below C shall be counted toward meeting academic requirements for examination for licensure.

(G) The committee shall consider a quarter hour of academic credit as two-thirds of a semester hour.

(5) To be eligible for licensing as an audiologist, an applicant must have completed a minimum of 300 clock hours of supervised clinical experience with individuals who present a variety of communication disorders. This experience must have been obtained within a training institution, or in one of its cooperating programs, under the supervision of an individual holding a valid license to practice audiology and/or its equivalent, provided during the first year of this Act, the supervision may be under a person who would have met the qualifications under this Act.

(6) To be eligible for licensing as an audiologist, an applicant must have obtained the equivalent of nine months of full-time, 40 hours weekly, supervised professional experience in which bona fide clinical work has been accomplished in audiology. This work must have been completed after the academic and clinical experience requirements are met and under the supervision of an individual who holds a master's degree in audiology and a valid license to practice audiology in the state of Texas (provided during the first year of this Act the supervision may be under a person who would have met the qualifications under this Act), and/or the American Speech-Language-Hearing Association Certificate of Clinical Competence in Audiology and/or its equivalent.

**§741.82. Time-Limited Special Conditions for Licensure of Audiologists Prior to November 30, 1983.**

(a) The committee, on request, shall waive educational, professional experience, and examination requirements for licensure in audiology for applicants who, as of November 29, 1983, meet the following requirements:

(1) hold a baccalaureate or graduate degree and have successfully completed 21 semester hours of course work in audiology;

(2) are engaged in the practice of audiology on proof of bona fide practice of audiology presented to the committee in the manner prescribed by these committee rules; and

(3) have filed an application for licensure under special conditions with the committee before November 30, 1983.

(b) Licenses granted under subsection (a) of this section shall be issued without delay and shall be renewed in the same manner as licenses granted under other provisions of these committee rules.

(c) The committee may waive the examination and grant licensure to an audiologist who holds a license from another state, provided that the license represents professional standards considered by the committee to be equivalent to those set forth in the Act.

(d) The committee may waive the examination and grant licensure to an applicant who holds the Certificate of Clinical Competence of the American Speech-Language-Hearing Association in Audiology or who has met equivalent requirements.

(e) Transcripts shall be reviewed as in §741.81(4) of this title (relating to Purpose).

**§741.83. Special Conditions for Licensure of Audiologists after November 29, 1983.**

(a) The committee may waive the examination and grant licensure to an audiologist who holds a license from another state, provided that the license represents professional standards considered by the committee to be equivalent to those set forth in the Act.

(b) The committee may waive the examination and grant licensure to an applicant who holds the Certificate of Clinical Competence of the American Speech-Language-Hearing Association in Audiology or who has met equivalent requirements.

(c) Transcripts shall be reviewed as in §741.81(4) of this title (relating to Purpose).

**§741.84. Requirements for a Licensed Aide in Audiology.** A licensed aide in audiology shall perform duties under the direct on-site supervision and direction of an individual who holds a valid license to practice audiology in the state of Texas. The following requirements are established as minimum requirements to function as a licensed aide in audiology:

- (1) a baccalaureate degree;
- (2) no fewer than 24 semester hours in speech-language pathology and audiology course work; and
- (3) transcripts shall be reviewed as in §741.81(4) of this title (relating to Purpose).

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## **Subchapter F. Application Procedures**

### **22 TAC §§741.101-741.103**

These new sections are adopted on an emergency basis under Texas Civil Statutes, Article 6252-13a,

§10(a)(2), which authorize emergency rules, and Article 4512j, §5, which provide the State Committee of Examiners for Speech-Language Pathology and Audiology, subject to approval of the Texas Board of Health, with the authority to adopt rules consistent with the Speech-Language Pathology and Audiology Licensure Act necessary to administer and enforce the Act.

**§741.101. Purpose.** The purpose of these rules is to set out the application procedures for examination and licensing of individuals referred to in these committee rules.

**§741.102. General.**

(a) An applicant must submit all required information and documentation of credentials on official committee forms. All forms and application materials shall be obtained from and returned to the State Committee of Examiners for Speech-Language Pathology and Audiology, 1100 West 49th Street, Austin, Texas 78756-3183.

(b) The committee will not consider an application as officially submitted until the application fee has been paid. The fee must accompany the application form and is not refundable by the committee.

(c) The committee must receive all required application materials at least 45 days prior to the date the applicant wishes to take the examination.

(d) An applicant whose application is not complete will be informed by the executive secretary, or designee, of the additional materials required. The completed application must be returned to the executive secretary no later than 30 days following the date of the request for additional information or the application fee will be forfeited.

**§741.103. Required Application Materials.**

(a) Application form. The application form shall contain:

(1) specific information regarding personal data, employment and nature of professional practice, other state licenses and/or certifications held, felony convictions, educational background, practicum experience, supervised experience, and references;

(2) a statement that the applicant has read the Act and these committee rules and agrees to abide by them;

(3) a statement by which the applicant holds the committee and its agents free from any damage or claim for damage by reason of any action taken in connection with the application, the examination, or any other aspect of licensing;

(4) a statement giving the applicant's permission to the committee to seek any information or references it deems fit to determine the applicant's qualifications;

(5) a statement that the applicant, if issued a license, shall return the license to the committee upon the revocation or suspension of the license;

(6) a statement that the applicant understands that fees submitted in the licensure process are nonrefundable; and

(7) the dated and notarized signature of the applicant.



(b) Supervised postgraduate experience form. The supervised experience form must contain the following information:

- (1) the name of the applicant;
- (2) the supervisor's name, address, degree, licensure status or American Speech-Language-Hearing Association Certificate of Clinical Competence, or evidence of equivalent credentials;
- (3) the name and address of the agency or organization where the experience was gained;
- (4) the inclusive dates of the supervised experience and the total number of hours of supervised postgraduate practice;
- (5) the number of hours of weekly face-to-face supervision provided for the applicant and the types of supervision used (direct, observation room, video tape, audio tape, review of records, etc.);
- (6) the applicant's employment status during supervised experience; and
- (7) the supervisor's signature.

(c) Graduate transcripts. An applicant must have the official transcript(s) of all relevant graduate work sent directly to the committee by the educational institution. Work sent directly to the committee by the educational institution.

(d) Other documents. Vitae, resumes, and other documentation of the applicant's credentials may be submitted, but not in lieu of any other required documentation.

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## Subchapter G. Licensure Examinations

### 22 TAC §§741.121-741.129

These new sections are adopted on an emergency basis under Texas Civil Statutes, Article 6252-13a, §10(a)(2), which authorize emergency rules, and Article 4512j, §5, which provide the State Committee of Examiners for Speech-Language Pathology and Audiology, subject to approval of the Texas Board of Health, with the authority to adopt rules consistent with the Speech-Language Pathology and Audiology Licensure Act necessary to administer and enforce the Act.

**§741.121. Purpose.** The purpose of this subchapter is to define and describe the committee's rules governing the administration, content, grading, and other procedures for examination and licensure.

**§741.122. Frequency.** The committee, or its designee, shall administer examinations for licensure applicants at least twice a year, or as often as deemed necessary.

### §741.123. Applying for Examination.

(a) The committee shall notify an applicant whose application has been approved at least 30 days prior to the date of the next scheduled examination.

(b) An applicant who wishes to take a scheduled examination must complete an examination registration form and return it to the committee, or its designee, within 21 days prior to the date of the examination.

### §741.124. Forms of Examination.

The examination for licensure may be any of the following:

(1) a written examination, an oral examination, or both; or

(2) any other examination prescribed by the committee (i.e., the examination offered by the American Speech-Language-Hearing Association which is administered and scored by the Educational Testing Service).

**§741.125. Location of Examination.** Examinations will be administered in Austin, Texas, unless otherwise announced by the committee.

### §741.126. Grading.

(a) Licensure examinations shall be graded by the committee or its designee (i.e., Educational Testing Service) and may incorporate the standards set forth by the American Speech-Language-Hearing Association for the examination for the Certificate of Clinical Competence.

(b) Written examinations shall be identified by number and graded anonymously.

### §741.127. Failures.

(a) Applicants who fail the licensure examination may reapply for subsequent examinations.

(b) Reapplication includes the payment of a non-refundable examination fee.

(c) Any applicant who has failed to pass two examinations may not retake the examination without submitting a new application and application fee.

### §741.128. Notice of Results.

(a) The committee shall notify each examinee of the examination results as soon as results are available.

(b) The official notice of results to applicants shall be stated in terms of "pass" or "fail" and shall reflect the cut-off score established by the committee.

**§741.129. Failure to Appear for Examination.** If an applicant, after having agreed to take the examination, notifies the office of the executive secretary no later than seven days before the examination that he or she will not appear, the applicant may be rescheduled for the subsequent examination at no additional application expense (with the possible exception of registration charge from a testing service administering the examination).

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## Subchapter H. Licensing

22 TAC §§741.141-741.144

These new sections are adopted on an emergency basis under Texas Civil Statutes, Article 6252-13a, §10(a)(2), which authorize emergency rules, and Article 4512j, §5, which provide the State Committee of Examiners for Speech-Language Pathology and Audiology, subject to approval of the Texas Board of Health, with the authority to adopt rules consistent with the Speech-Language Pathology and Audiology Licensure Act necessary to administer and enforce the Act.

**§741.141. Purpose.** The purpose of this subchapter is to set out licensing procedures of the committee.

**§741.142. Temporary Certificate of Registration.**

(a) A temporary certificate of registration may be applied for by an individual who fulfills the requirements of academic and professional preparation but who has not previously applied to take the examination for licensure.

(b) After receiving the application and nonrefundable fee requesting the temporary certificate of registration, the committee shall issue a temporary certificate of registration. This certificate entitles an applicant approved for examination to practice speech-language pathology or audiology for a period of time ending eight weeks after the offering of the next examination after the date of issue of the certificate.

**§741.143. Issuance of License.**

(a) The committee shall send each applicant whose application has been approved and who has passed the examination, if applicable, a form to complete and return with the nonrefundable license fee.

(b) Upon receiving an applicant's license form and fee, the committee shall issue the individual a license bearing the licensee's name, date of issuance, and license number.

(c) Upon written request from the licensee and payment of the duplicate license certificate fee, a duplicate license may be obtained from the committee.

**§741.144. Reciprocity.** The committee may grant a license without examination to an individual who holds, at the time of application, a license in another state, including the District of Columbia or territory of the United States, which maintains professional standards considered by the committee to be equivalent to those set forth in these committee rules and are in effect at the time of application.

(1) The committee shall consider only states and territories of the United States acceptable for the purposes of reciprocal licensing.

(2) In the case of licensing by reciprocity, the committee shall waive only the examination requirements for licensure. All application materials and the application and license fees must be paid by the applicant.

(3) An applicant applying for licensing by reciprocity must submit a copy of the license or certificate by which the reciprocal license is requested, a copy of the statutes and rules of the agency issuing the license, and the name and address of the licensing agency.

(4) All licenses expire and become invalid one year from the date of issuance if not renewed.

Issued in Austin, Texas, on March 13, 1984

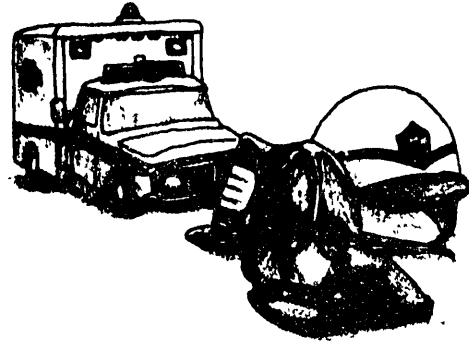
TRD-842988

Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Effective date: March 14, 1984

Expiration date: July 12, 1984

For further information, please call (512) 458-7531.



## Subchapter I. License Renewal

22 TAC §§741.161-741.165

These new sections are adopted on an emergency basis under Texas Civil Statutes, Article 6252-13a, §10(a)(2), which authorize emergency rules, and Article 4512j, §5, which provide the State Committee of Examiners for Speech-Language Pathology and Audiology, subject to approval of the Texas Board of Health, with the authority to adopt rules consistent with the Speech-Language Pathology and Audiology Licensure Act necessary to administer and enforce the Act.

**§741.161. Purpose.** The purpose of this subchapter is to set out the rules governing license renewal.

**§741.162. General.**

(a) The committee shall use the following system for license renewals.

(1) The renewal date of a license shall be the last day of the licensee's birth month.

(2) Renewal fees shall be prorated if the licensee's initial renewal date, as determined by the committee, occurs less than 12 months after the original date of licensure.

(3) Applicants approved within three months of their birth date will be asked to pay for the prorated amount plus one year. The form and prorated fee is based on the month of approval through the last day of birth month.

(4) Each licensee shall annually pay the nonrefundable renewal fee for renewal of a license.

(b) Each licensee is responsible for license renewal before the expiration date. A 60-day grace period shall be allowed for renewal. The executive secretary shall not consider a license to be renewed within the 60 days until both the completed license renewal form and the renewal fee have been mailed to the executive secretary. The

postmarked date is the date of mailing. After expiration of the grace period, the committee may renew each license after payment of the penalty set out in §741.181 of this title (relating to Schedule of Fees and Late Renewal Penalties).

(c) At least 45 days prior to the expiration date of an individual's license, the executive secretary shall send notice to the licensee of the expiration date of the license, the amount of the renewal fee due, and a license renewal form which the licensee must complete and return to the committee with the required fee.

(d) The license renewal form shall require the licensee to provide current addresses and telephone numbers, employment information, and other information including, but not limited to, continuing education completed.

(e) The committee shall issue a renewal certificate to a licensee who has met all requirements for renewal. The licensee must display the renewal certificate in association with the license.

(f) Within three years of the effective date of the Act, September 1, 1983, renewal of a license is contingent on the applicant's meeting uniform continuing education requirements established by the committee.

(g) A suspended license is subject to expiration and may be renewed as provided in this subchapter; however, the renewal does not entitle the licensee to engage in the licensed activity or in any other activity or conduct in violation of the order or judgment by which the license was suspended, until such time as the license is fully reinstated.

(h) A license revoked on disciplinary grounds is subject to expiration as provided in the Act, but it may not be renewed. If it is reinstated after its expiration, the licensee, as a condition of reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect, plus the delinquency fee, if any, accrued at the time of the license revocation.

(i) An individual who fails to renew his/her license within two years after the date of its expiration may not renew it, and it may not be restored, reissued, or reinstated thereafter. Those individuals must apply for a new license and meet the criteria for licensure current at that time.

**§741.163. Requirements for Continuing Education.** Continuing education requirements must be of such a nature that they can be met without necessitating an extended absence from the licensee's county of residence. All continuing education requirements must be met for renewal of license.

**§741.164. License Certificate.**

(a) The executive secretary shall prepare and provide to each licensee a license certificate which contains the licensee's name, license number, and expiration date.

(b) Official licenses shall be signed by the chair, the secretary-treasurer, and/or the vice-chair, and be affixed with the seal of the committee.

(c) Any license certificate issued by the committee remains the property of the committee and must be surrendered to the committee on demand.

**§741.165. Display of License Certificate.**

(a) A licensee shall display the license certificate issued by the committee in a prominent place in the primary location of practice.

(b) A licensee shall not display a license certificate issued by the committee which has been photographically or otherwise reproduced.

(c) A licensee shall not make any alteration on a license certificate issued by the committee.

(d) A licensee shall display a duplicate license in the same manner as the original license.

Issued in Austin, Texas, on March 13, 1984.

TRD-842989

Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

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For further information, please call (512) 458-7531.

## Subchapter J. Fees and Late Renewal Penalties

### 22 TAC §741.181

This new section is adopted on an emergency basis under Texas Civil Statutes, Article 6252-13a, §10(a)(2), which authorize emergency rules, and Article 4512j, §5, which provide the State Committee of Examiners for Speech-Language Pathology and Audiology, subject to approval of the Texas Board of Health, with the authority to adopt rules consistent with the Speech-Language Pathology and Audiology Licensure Act necessary to administer and enforce the Act.

**§741.181. Schedule of Fees and Late Renewal Penalties.** The purpose of this section is to establish a schedule of fees and penalties to provide the funds to support the activities of the committee:

- (1) application fee—\$50;
- (2) examination fee—\$50;
- (3) initial license fee (prorated)—\$60;
- (4) license renewal fee—\$60;
- (5) initial license fee for aides (prorated)—\$36;
- (6) license renewal fee for aides—\$36;
- (7) temporary (certificate of registration) license fee—\$25;
- (8) duplicate license fee—\$10;
- (9) delinquency fee—\$50;
- (10) reinstatement fee—renewal fee plus all unpaid fees; and
- (11) late renewal penalty—\$15 per month following the 60-day grace period.

Issued in Austin, Texas, on March 13, 1984.

TRD-842990

Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Effective date: March 14, 1984

Expiration date: July 12, 1984

For further information, please call (512) 458-7531.

**Subchapter K. Denial, Suspension, or  
Revocation of Licensure**

**22 TAC §§741.191-741.198**

These new rules are adopted on an emergency basis under Texas Civil Statutes, Article 6252-13a, §10(a) (2), which authorize emergency rules and Article 4512j, §5, which provide the State Committee of Examiners for Speech-Language Pathology and Audiology, subject to approval of the Texas Board of Health, with the authority to adopt rules consistent with the Speech-Language Pathology and Audiology Licensure Act necessary to administer and enforce the Act.

**§741.191. Purpose.** The purpose of this section is to set forth the basis and procedures for the denial, suspension, or revocation of a license including procedures for complaints concerning violations of the Act or rules and procedures covering formal hearings.

**§741.192. Basis for Denial, Suspension, or Revocation of Licensure.** The committee may refuse to issue or renew a license to an applicant or may revoke or suspend the license of an audiologist, speech-language pathologist, licensed aide in audiology, or licensed aide in speech-language pathology, who is proved to have:

- (1) obtained a license by means of fraud, misrepresentation, or concealment of material facts;
- (2) sold, bartered, or offered to sell or barter a license or certificate of registration;
- (3) exhibited unprofessional conduct that has endangered or is likely to endanger the health, welfare, or safety of the public as defined in §741.2 of this title (relating to Definitions) or is in violation of §741.41 of this title (relating to Code of Ethics); or
- (4) violated any provision of the Act or these rules or any lawful order of the committee.

**§741.193. Complaint Procedures.**

(a) An individual wishing to report a complaint or alleged violation of the Act or these rules shall notify the executive secretary at 1100 West 49th Street, Austin, Texas 78756-3183, (512) 458-7531. The initial notification of a complaint may be in writing, by telephone, or by personal visit to the executive secretary's office.

(b) Upon receipt of a complaint, the executive secretary shall send to the complainant an acknowledgement letter and a complaint form which must be completed and returned to the executive secretary before further action can be taken. Upon receipt of the complaint form, the executive secretary shall inform the applicant and/or licensee that a complaint has been filed.

(c) A subcommittee of the committee will work with the executive secretary in reviewing and/or resolving complaints. Should a complaint be resolved as evidenced by signed written statement of agreement, the file will be closed and the committee shall be so informed.

(d) The subcommittee may hold an informal conference to resolve any complaint.

(e) At least once each quarter, the subcommittee shall notify a complainant of the status of his or her complaint until the complaint is finally disposed.

(f) If the subcommittee determines that there are insufficient grounds to support the complaint, the sub-

committee shall dismiss the complaint and give written notice of the dismissal notice to the complainant and the license holder.

(g) If the subcommittee determines that there are sufficient grounds to support the complaint, the subcommittee may decide that the license be denied, suspended or revoked, or that other appropriate action as authorized by law be taken.

**§741.194. Procedures for Denying, Suspending, or Revoking a License.**

(a) Prior to denying, suspending, or revoking a license for a violation of the Act or these rules, the subcommittee shall give the applicant or licensee the opportunity for a formal hearing in accordance with the provisions of §741.198 of this title (relating to Formal Hearings).

(b) The subcommittee shall give the applicant or licensee a written notice of the opportunity for formal hearing. The applicant or licensee has 10 days from receipt of the notice to respond in writing to the subcommittee requesting a hearing. The postmarked date of the response is the date for determining if the response is within 10 days.

(c) If the applicant or licensee does not respond as required by subsection (b) of this section, the formal hearing is deemed to be waived, and the subcommittee may deny, suspend, or revoke the license, subject to the concurrence of the committee.

(d) If the applicant or licensee requests a formal hearing as authorized by subsection (b) of this section, the subcommittee shall ask the department's office of general counsel to institute formal hearing procedures in accordance with the provisions of §741.198 of this title (relating to Formal Hearings).

(e) Denied, suspended, or revoked licenses, including conditions for reinstatement, are governed by the provisions of the Act, §15 and §17.

**§741.195. Violations by Nonlicensed Individuals.**

(a) Beginning on September 1, 1984, and individual may not practice as a speech-language pathologist, an audiologist, a licensed aide in audiology or a licensed aide in speech-language pathology in this state unless licensed in accordance with the provisions of the Act or these rules.

(b) The committee shall not consider a member of another profession who is exempted under the Act to be in violation of the Act or these committee rules so long as the individual does not represent himself or herself by any title or description in the manner prescribed in the Act.

**§741.196. Penalties.** An individual who violates the provisions of the Act is subject to the penalties and other court action as described in the Act, §8 and §18, in addition to any other penalties as may be authorized by law.

**§741.197. Licensing of Individuals with Criminal Backgrounds to be Speech-Language Pathologists, Audiologists, Licensed Aides in Audiology, and Licensed Aides in Speech-Language Pathology.**

(a) This subsection is designed to establish guidelines and criteria on the eligibility of individuals with criminal backgrounds to obtain licenses as speech-lan-

guage pathologists, audiologists, licensed aides in audiology and licensed aides in speech-language pathology.

(1) The subcommittee may suspend or revoke an existing license, disqualify an individual from receiving a license, or deny to an individual the opportunity to be examined for a license because of an individual's conviction of a felony or misdemeanor if the crime directly relates to the duties and responsibilities of a speech-language pathologist, audiologist, licensed aide in audiology or licensed aide in speech-language pathology.

(2) In considering whether a criminal conviction directly relates to the profession of a speech-language pathologist, audiologist, licensed aide in audiology and licensed aide in speech-language pathology, the subcommittee shall consider:

(A) the nature and seriousness of the crime;

(B) the relationship of the crime to the purposes for requiring a licensee to be a speech-language pathologist, audiologist, licensed aide in audiology, or licensed aide in speech-language pathology. The following felonies and misdemeanors relate to the license of speech-language pathologists, audiologists, licensed aides in audiology, or licensed aides in speech-language pathology because these criminal offenses indicate an inability or a tendency to be unable to perform as a licensed speech-language pathologist, audiologist, licensed aide in audiology, or licensed aide in speech-language pathology:

(i) the misdemeanor of violating any of the provisions of the Act;

(ii) the deceptive trade practice of any individual practicing or representing himself or herself as a speech-language pathologist or audiologist in the State of Texas after August 31, 1984;

(iii) offenses under the following titles of The Texas Penal Code: Title 5, Offenses Against the Person; Title 7, Offenses Against Property; and, Title 8, Offenses Against Public Administration; including the offense of attempting or conspiring to commit any of the offenses listed in either Title 5, Title 7, or Title 8;

(iv) the misdemeanors and felonies listed in clauses (i)-(iii) of this subparagraph are not exclusive in that the subcommittee may consider other particular crimes in special cases in order to promote the intent of the Act and these rules.

(C) the extent to which a license might afford an opportunity to repeat the criminal activity in which the individual had been involved; and

(D) the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of a licensed speech-language pathologist, audiologist, licensed aide in audiology, and licensed aide in speech-language pathology. In making this determination, the subcommittee will apply the criteria outlined in Texas Civil Statutes, Article 6252-13c, §4(c)(1)-(7).

(b) Procedures for revoking, suspending, or denying a license to individuals with criminal backgrounds.

(1) The executive secretary will give written notice to the individual that the subcommittee intends to deny, suspend, or revoke the license after hearing, in accordance with the provisions of §741.198 of this title (relating to Formal Hearings).

(2) If the committee denies, suspends, or revokes a license under this subsection after hearing, the executive secretary will give the individual written notice of the reason for the decision.

(A) The written notice will also inform the individual that after exhausting administrative appeals, he or she may file an action in a District Court of Travis County, Texas, for review of the evidence presented to the committee and to review the committee decision; and

(B) The individual must begin the judicial review by filing a petition with the court within 30 days after the committee's action is final and appealable.

**§741.198. Formal Hearings.**

(a) The committee adopts by reference the Texas Department of Health's Formal Hearing Procedures, 25 TAC §§1.21-1.32 with the following exceptions:

(1) all final orders or decisions will be made by the committee; and

(2) all references in the Formal Hearing Procedures to "agency," "board," and "commissioner," mean the State Committee of Examiners for Speech-Language Pathology and Audiology.

(b) Copies of the Formal Hearing Procedures are indexed and filed in the executive secretary's office, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-3183, and are available for public inspection during regular working hours.

Issued in Austin, Texas, on March 13, 1984

TRD-842991      Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Effective date: March 14, 1984

Expiration date: July 12, 1984

For further information, please call (512) 458-7531.

**TITLE 25. HEALTH SERVICES  
Part I. Texas Department of Health  
Chapter 157. Emergency Medical  
Care**

**Emergency Medical Services**

25 TAC §§157.61-157.75

The Texas Department of Health is renewing the effectiveness of the emergency adoption of new §§157.61-157.75 for a 60-day period effective April 30, 1984. The text of the new sections was originally published in the December 23, 1983, issue of the *Texas Register* (8 TexReg 5379). Emergency amendments to the new sections were originally published in the January 27, 1984, issue of the *Texas Register* (9 TexReg 456)

Issued in Austin, Texas, on March 12, 1984

TRD-843024      Dan LaFleur  
Liaison Officer  
Texas Department of Health

Effective date: April 30, 1984

Expiration date: June 29, 1984

For further information, please call (512) 458-7236.

# Proposed Rules

Before an agency may permanently adopt a new or amended rule, or repeal an existing rule, a proposal detailing the action must be published in the *Register* at least 30 days before any action may be taken. The 30-day time period gives interested persons an opportunity to review and make oral or written comments on the rule. A public hearing on the proposal may also be granted if such a procedure is requested by a governmental subdivision or agency, or by an association consisting of at least 25 members.

The proposal, as published in the *Register*, must include a brief explanation of the proposed action; a fiscal statement indicating effect on state and local government and small businesses; a statement explaining anticipated public benefits and possible economic costs to individuals required to comply with the rule; a request for public comments, a statement of statutory authority under which the proposed rule is to be adopted (and the agency's interpretation of the statutory authority); the text of the proposed action, and a certification statement. The certification information, which includes legal authority, the proposed date of adoption or the earliest possible date that the agency may file notice to adopt the proposal, and a telephone number to call for further information, follows each submission.

Symbology in amended rules. New language added to an existing rule is indicated by the use of **bold text**. [Brackets] indicate deletion of existing material within a rule.

## TITLE 4. AGRICULTURE Part I. Texas Department of Agriculture Chapter 19. Seed Division Texas Seed Law 4 TAC §19.11

The Texas Department of Agriculture proposes an amendment to §19.11, concerning notification of cottonseed shipments into Texas under rules and regulations pertaining to the Texas Seed Law. The proposed amendment changes language to bring conformity to rules and regulations.

Kenneth Boatwright, Seed Division director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Boatwright also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is assurance that the rules and regulations of the Texas Department of Agriculture are in agreement with the provisions of the Texas Agriculture Code. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Kenneth Boatwright, Seed Division Director, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711, (512) 475-2038.

The amendment is proposed under the Texas Agriculture Code, §61.002, which provides the Texas Department of Agriculture with the authority to make any rules necessary to carry out provisions of the Code.

*§19.11. Notification of Cottonseed Shipments Into Texas.* Any person shipping, transporting, or delivering conditioned cottonseed for planting purposes or cottonseed to be **conditioned** [processed] for planting purposes into this state shall, not later than the date of shipment, provide the department with a written notice or copy of the invoice containing the following information:

(1)-(4) (No change.)

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 13, 1984

TRD-843046

Patrick D Redman  
Agency Liaison  
Texas Department of Agriculture

Earliest possible date of adoption

April 23, 1984

For further information, please call (512) 475-6686.

**TITLE 7. BANKING AND  
SECURITIES  
Part II. Banking Department of  
Texas  
Chapter 11. Miscellaneous  
General**

**7 TAC §11.30**

The Banking Department of Texas proposes new §11.30, concerning drive-in/walk-up facilities under Texas Civil Statutes, Article 342-903(c), which authorize a bank to establish a facility whose nearest boundary is within 10,500 feet. The department has concluded that the language in the statute for this facility does not limit a bank to a single building or structure as in the case of office facilities authorized elsewhere in the statute. In the latter instance, the statute requires the nearest wall of the office facility to be within certain distances.

Archie P. Clayton III, general counsel, has determined that for the first five-year period the section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Clayton also has determined that for each year of the first five years the section as proposed is in effect the public benefit anticipated as a result of enforcing the section as proposed is a clear understanding of the limitations on a drive-in/walk-up facility established by Texas banks. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Archie P. Clayton III, General Counsel, 2601 North Lamar Boulevard, Austin, Texas 78705.

The new section is proposed under Texas Civil Statutes, Article 342-207, which provide the banking commissioner with the authority to enforce the provisions of the Texas Banking Code.

**§11.30. Drive-In/Walk-Up Facilities.**

(a) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise:

**Facility**—A single, continuous parcel of land over which the bank has sole and exclusive control.

**Secured teller lobby**—An area used by the bank to offer banking services in which the teller work area is secure from the public.

**Boundary**—The outer limit of the facility.

**Bank**—State, national, or private bank.

(b) Establishment of a drive-in/walk-up facility. A bank may establish a drive-in/walk-up facility pursuant to the Texas Banking Code, Article 3(c), Chapter IX, no more than 10,500 feet from its central building without notice or approval of the Banking Department of Texas. A bank may use more than one building or structure located on the facility if the buildings or structures are incidental to each other in the provision of banking services. In the department's view, they must be no more than 500

feet apart at their nearest walls to be considered incidental. Any banking services may be offered at the drive-in/walk-up or secured teller lobby located on the facility. Offices which directly access into the lobby are considered part of the lobby. All three manners of service do not have to be offered at the facility.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 7, 1984.

TRD-843056 Archie P. Clayton III  
General Counsel  
Banking Department of Texas

Earliest possible date of adoption:  
April 23, 1984

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

**7 TAC §11.33**

The Banking Department of Texas proposes new §11.33, concerning loan production offices. The proposed ruling states the department's guidelines for the operation of a loan production office by a bank.

Archie P. Clayton III, general counsel, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Clayton also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is increased convenience for borrowers. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Archie P. Clayton III, General Counsel, 2601 North Lamar Boulevard, Austin, Texas 78705.

The new section is proposed under Texas Civil Statutes, Article 342-207, which provide the banking commissioner with the authority to enforce the provisions of the Texas Banking Code.

**§11.33. Loan Production Offices.** A state, national, or private bank may solicit and take loan applications and have promissory notes signed at a place, or places, other than its banking house provided no credit decision is made, no commitment to make a loan is made, and no funding of the loan occurs at the location away from its banking house. The decision to make the loan, its funding, and delivery of proceeds must occur at the banking house in order to comply with the constitutional and statutory mandate that a bank must engage in business in only one place, which is defined in Texas Civil Statutes, Article 342-903, as the banking house. No unmanned teller machine shall be designed solely or primarily for disbursement of loan proceeds, in any way,

including the establishment of withdrawal limits that are greater for loan customers than for other users of the unmanned teller machine. Nor shall the customer usage of any unmanned teller machine be restricted in any way to performing transactions for customers of loan production offices.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 15, 1984.

TRD-843057      Archie P. Clayton III  
                         General Counsel  
                         Banking Department of Texas

Earliest possible date of adoption.

April 23, 1984

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

## **TITLE 19. EDUCATION**

### **Part II. Texas Education Agency**

#### **Chapter 77. Comprehensive Instruction**

*(Editor's note The text of the following sections proposed for repeal will not be published The sections may be examined in the offices of the Texas Education Agency, 201 East 11th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin )*

The Texas Education Agency proposes the repeal of Chapter 77, Subchapters D-P, §§ 77.61, 77.62, 77.64, 77.81, 77.101-77.116, 77.131-77.133, 77.151-77.153, 77.171-77.174, 77.191, 77.192, 77.211, 77.231, 77.232, 77.251, 77.252, 77.271, 77.272, 77.291-77.294, and 77.311-77.314, concerning occupational education and technology

The agency is proposing a new Chapter 78 in which all rules concerning vocational education will be contained. In general, the repeal of Chapter 77, Subchapters D-P, is proposed to avoid either duplication of or inconsistency with the proposed new sections in Chapter 78. However, in a few cases, material in Chapter 77 simply repeated or paraphrased state or federal law or federal regulations. In these cases, the repetitive material has not been included in the proposed new sections

In Subchapter D, § 77.61, concerning the identification of the State Board of Education as the State Board for Vocational Education is found in proposed new § 78.1. Section 77.62, concerning relationship with the Advisory Council for Technical-Vocational Education in Texas, is found in proposed new § 78.2. Section 77.64, concerning agreements with other governmental agencies, is not included in the proposed new vocational rules. Interagency contracts entered into by the Texas Education Agency are addressed in Chapter 125 of this title.

Subchapter E, § 77.81, contained a general definition of occupational education. It was considered unnecessary to repeat this summary definition in the new sections, since the program is defined by the entire content of Chapter 78, and any summary definition would be either misleading or redundant.

Subchapter F concerned the allocation of vocational teacher units. The allocation of units is addressed in proposed new Chapter 78, Subchapter D, under the first undesignated head, "Teacher Units."

Subchapter G concerned the allocation of vocational administrator, vocational supervisor, vocational job placement coordinator, and vocational counselor units. Allocation of these units is treated in proposed new Chapter 78, Subchapter D, under the second undesignated head, "Ancillary Units."

Subchapter H concerned vocational students and addressed student eligibility for participation in vocational programs. Vocational students are treated in proposed new Chapter 78, Subchapter D, under the third undesignated head, "Vocational Students."

Subchapter I concerned allocation of funds for supportive purposes, including personnel travel, operating costs, equipment, and other support. Funds for supportive purposes are treated in proposed new Chapter 78, Subchapter D, under the fifth undesignated head, "Allocation of Funds for Supportive Purposes."

Subchapter J concerned area vocational schools, which were established in accordance with the Texas Education Code, Chapter 28. For some time funds have not been available to assist with the building of area vocational schools, therefore, these rules are proposed for repeal and the agency finds no need to propose new rules to address such schools.

Subchapter K addressed requirements for research, demonstration, and exemplary projects. Such projects are coordinated by the research coordinating unit, which is treated in proposed new § 78.7. Much of the material in Subchapter K repeated material contained in federal regulations. This repetitive material has not been included in proposed new Chapter 78.

Subchapter L concerned work-study programs and repeated material adequately covered in federal regulations. No new sections to address this area are proposed.

Subchapter M concerned adult vocational education. Section 77.251 was a series of cross-references to other adult vocational rules currently contained in Chapter 89 of this title. No action on the rules in Chapter 89 are being proposed at this time; however, the cross-references are being deleted since at a later time all rules concerning adult vocational education will be included in Chapter 78. Proposed new Chapter 78 does contain §§ 78.141-78.145, which address adult vocational education provided by public school districts. Section 77.252 concerned funding of licensed vocational nursing (LVN) programs in secondary



schools. These programs are addressed in proposed new §78.144.

Subchapter N concerned vocational education provided by contract or agreement. Provision for such contracts or agreements is addressed in proposed new Chapter 78, Subchapter B.

Subchapter O concerned the Advisory Committee for Marketing and Distributive Education. Rules for this advisory committee are included in proposed new Chapter 78, Subchapter C, concerning advisory committees.

Subchapter P concerned the Apprenticeship and Training Advisory Committee. This committee is established by the Texas Education Code, §§33.04-33.06, and the sections in Subchapter P simply paraphrased the statute. Therefore, the subchapter is proposed for repeal and no new sections concerning the advisory committee are proposed. Repeal of the sections is in no way intended to abolish the committee.

Richard Bennett, associate finance commissioner, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeal.

Mr. Bennett and Beverly Bardsley, policy development director, have determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is the avoidance of duplication or inconsistency in sections concerning occupational education and technology. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. All requests for a public hearing on the proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act 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*.

### **Subchapter D. State Board for Vocational Education**

#### **19 TAC §§77.61, 77.62, 77.64**

This repeal is proposed under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program; the Texas Education Code, §16.103, which establishes the provisions for allocation of vocational personnel units; and Public Law 94-142 (34 Code of Federal Regulations Part 400) which authorizes the allocation of federal funds for vocational education.

§77.61. *Administration in General.*

§77.62. *Relationship with the Advisory Council for Technical-Vocational Education.*

§77.64. *Agreements with Governmental Agencies.*

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 15, 1984

TRD-843100      Raymon L. Bynum  
Commissioner of Education

Proposed date of adoption:

May 12, 1984

For further information, please call (512) 475-7077.

### **Subchapter E. Occupational Education and Technology**

#### **19 TAC §77.81**

The repeal is proposed under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program; the Texas Education Code, §16.103, which establishes the provisions for allocation of vocational personnel units; and Public Law 94-142 (34 Code of Federal Regulations Part 400), which authorizes the allocation of federal funds for vocational education.

§77.81. *Definition of "Occupational (Vocational) Education."*

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 15, 1984

TRD-843103      Raymon L. Bynum  
Commissioner of Education

Proposed date of adoption:

May 12, 1984

For further information, please call (512) 475-7077.

### **Subchapter F. Allocation of Vocational Teacher Units**

#### **19 TAC §§77.101-77.116**

The repeal is proposed under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program; the Texas Education Code, §16.103, which establishes the provisions for allocation of vocational personnel units; and Public Law 94-142 (34 Code of Federal Regulations Part 400), which authorizes the allocation of federal funds for vocational education.

§77.101. *Vocational Teacher Units.*

§77.102. *Eligibility for a Vocational Teacher Unit.*

- §77.103. *Allocation of Vocational Units to Budget Balance Districts*
- §77.104. *Shared Vocational Teacher Units.*
- §77.105. *Unusual Circumstances.*
- §77.106. *Allocation of Vocational Teacher Units to the Texas Department of Corrections.*
- §77.107. *Maintaining Eligibility for a Vocational Teacher Unit.*
- §77.108. *Basic Requirements for Reallocation of Vocational Teacher Units.*
- §77.109. *Reallocation of Vocational Teacher Units. Use of Program Evaluations.*
- §77.110. *Vocational Teacher Unit Funding.*
- §77.111. *Definition of "Additional Units."*
- §77.112. *Eligibility for Additional Units.*
- §77.113. *Allocation of Additional Units: Limiting Factors.*
- §77.114. *Maximum Eligibility of Total Vocational Teacher Units.*
- §77.115. *Special Provisions.*
- §77.116. *Program Reports and Information.*

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 15, 1984

TRD-843104      Raymon L. Bynum  
                         Commissioner of Education

Proposed date of adoption  
May 12, 1984

For further information, please call (512) 475-7077.

### **Subchapter G. Vocational Administrator, Vocational Supervisor, Vocational Job Placement Coordinator, and Vocational Counselor Units**

**19 TAC §§77.131-77.133**

The repeal is proposed under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program; the Texas Education Code, §16.103, which establishes the provisions for allocation of vocational personnel units; and Public Law 94-142 (34 Code of Federal Regulations Part 400), which authorizes the allocation of federal funds for vocational education.

- §77.131. *Policy.*
- §77.132. *Definitions.*
- §77.133. *Allocation of Units to School Districts.*

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 15, 1984

TRD-843105      Raymon L. Bynum  
                         Commissioner of Education

Proposed date of adoption  
May 12, 1984

For further information, please call (512) 475-7077.

### **Subchapter H. Vocational Students**

**19 TAC §§77.151-77.153**

The repeal is proposed under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program; the Texas Education Code, §16.103, which establishes the provisions for allocation of vocational personnel units; and Public Law 94-142 (34 Code of Federal Regulations Part 400), which authorizes the allocation of federal funds for vocational education.

- §77.151. *Determination of Eligible Students.*
- §77.152. *Students Trained Through Combined Effort of Two or More Programs.*
- §77.153. *Participation of Ineligible Students in Vocational Education Programs.*

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 15, 1984.

TRD-843106      Raymon L. Bynum  
                         Commissioner of Education

Proposed date of adoption:  
May 12, 1984

For further information, please call (512) 475-7077.

### **Subchapter I. Allocation of Funds for Supportive Purposes**

**19 TAC §§77.171-77.174**

The repeal is proposed under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program; the Texas Education Code, §16.103, which establishes the provisions for allocation of vocational personnel units; and Public Law 94-142 (34 Code of Federal Regulations Part 400), which authorizes the allocation of federal funds for vocational education.

- §77.171. *Vocational Personnel Travel.*
- §77.172. *Funds for Operating Costs.*
- §77.173. *State Funding for Equipment in Secondary Vocational Programs.*
- §77.174. *Other Support.*

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 15, 1984

TRD-843107      Raymon L. Bynum  
                         Commissioner of Education

Proposed date of adoption  
May 12, 1984

For further information, please call (512) 475-7077.

## **Subchapter J. Area Vocational Schools**

### **19 TAC §77.191, §77.192**

The repeal is proposed under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program; the Texas Education Code, §16.103, which establishes the provisions for allocation of vocational personnel units; and Public Law 94-142 (34 Code of Federal Regulations Part 400), which authorizes the allocation of federal funds for vocational education.

§77.191. *Designation.*

§77.192. *Reimbursable Construction.*

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 15, 1984.

TRD-843108      Raymon L. Bynum  
                         Commissioner of Education

Proposed date of adoption.

May 12, 1984

For further information, please call (512) 475-7077.

## **Subchapter K. Research, Demonstration, and Exemplary Programs and Projects**

### **19 TAC §577.211**

The repeal is proposed under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program; the Texas Education Code, §16.103, which establishes the provisions for allocation of vocational personnel units; and Public Law 94-142 (34 Code of Federal Regulations Part 400), which authorizes the allocation of federal funds for vocational education.

§77.211. *Application for Grants.*

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 15, 1984.

TRD-843109      Raymon L. Bynum  
                         Commissioner of Education

Proposed date of adoption

May 12, 1984

For further information, please call (512) 475-7077.

## **Subchapter L. Work-Study Programs**

### **19 TAC §77.231, §77.232**

The repeal is proposed under the Texas Education Code, §16.005, which authorizes the State Board of

Education to make rules for the implementation and administration of the Foundation School Program; the Texas Education Code, §16.103, which establishes the provisions for allocation of vocational personnel units; and Public Law 94-142 (34 Code of Federal Regulations Part 400), which authorizes the allocation of federal funds for vocational education.

§77.231. *Application for Approval of Programs.*

§77.232. *Reimbursement for Expenditures.*

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 15, 1984.

TRD-843110      Raymon L. Bynum  
                         Commissioner of Education

Proposed date of adoption:

May 12, 1984

For further information, please call (512) 475-7077.

## **Subchapter M. Adult Vocational Education**

### **19 TAC §77.251, §77.252**

The repeal is proposed under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program; the Texas Education Code, §16.103, which establishes the provisions for allocation of vocational personnel units; and Public Law 94-142 (34 Code of Federal Regulations Part 400), which authorizes the allocation of federal funds for vocational education.

§77.251. *Programs in General.*

§77.252. *Funding of Licensed Vocational Nursing (LVN) Programs in Secondary Schools.*

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 15, 1984.

TRD-843111      Raymon L. Bynum  
                         Commissioner of Education

Proposed date of adoption

May 12, 1984

For further information, please call (512) 475-7077.

## **Subchapter N. Vocational Education by Contract or Agreement**

### **19 TAC §77.271, §77.272**

The repeal is proposed under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program; the Texas Education Code, §16.103, which establishes

the provisions for allocation of vocational personnel units; and Public Law 94-142 (34 Code of Federal Regulations Part 400), which authorizes the allocation of federal funds for vocational education.

§77.271. *Contracts with Public Post-Secondary Institutions.*

§77.272. *Occupational Education for Public School Students by Contract.*

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 15, 1984.

TRD-843112      Raymon L. Bynum  
                                 Commissioner of Education

Proposed date of adoption:  
May 12, 1984

For further information, please call (512) 475-7077.

### **Subchapter O. Advisory Committee for Marketing and Distributive Education**

19 TAC §§77.291-77.294

The repeal is proposed under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program; the Texas Education Code, §16.103, which establishes the provisions for allocation of vocational personnel units; and Public Law 94-142 (34 Code of Federal Regulations Part 400), which authorizes the allocation of federal funds for vocational education.

§77.291. *Purpose and Responsibilities.*

§77.292. *Membership.*

§77.293. *Terms of Office.*

§77.294. *Meetings.*

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 15, 1984.

TRD-843113      Raymon L. Bynum  
                                 Commissioner of Education

Proposed date of adoption:  
May 12, 1984

For further information, please call (512) 475-7077.

### **Subchapter P. Apprenticeship and Training Advisory Committee**

19 TAC §§77.311-77.314

The repeal is proposed under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the implementation and administration of the Foundation School Program; the

Texas Education Code, §16.103, which establishes the provisions for allocation of vocational personnel units; and Public Law 94-142 (34 Code of Federal Regulations Part 400), which authorizes the allocation of federal funds for vocational education.

§77.311. *Membership and Appointment.*

§77.312. *Term of Office.*

§77.313. *Nonvoting Members.*

§77.314. *Duties.*

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 15, 1984.

TRD-843114      Raymon L. Bynum  
                                 Commissioner of Education

Proposed date of adoption:  
May 12, 1984

For further information, please call (512) 475-7077.

## **Chapter 78. Occupational Education and Technology**

The following proposals submitted by the Texas Education Agency will be serialized beginning in the March 27, 1984, issue of the *Texas Register*. The proposed date of adoption for the documents is May 12, 1984.

Subchapter A. General Provisions  
§§78.1-78.7  
(new)

Subchapter B. Vocational Education by Contract or Agreement  
§78.21  
(new)

Subchapter C. Advisory Committees  
§78.41  
(new)

Subchapter D. Secondary School Vocational Education  
Teacher Units  
§§78.61-78.69  
(new)

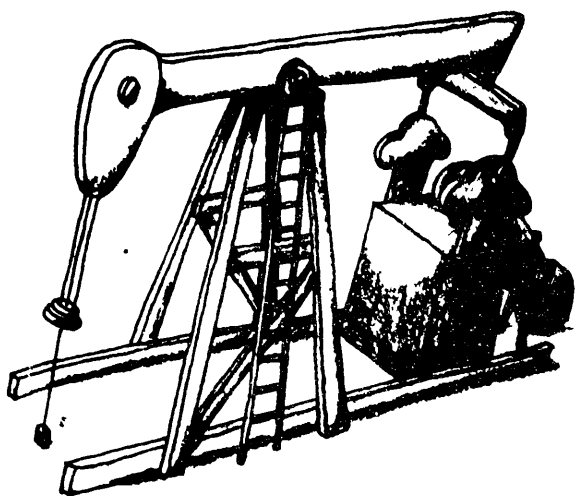
Ancillary Units  
§78.81, §78.82  
(new)

Vocational Students  
§§78.101-78.105  
(new)

Program Standards  
§§78.121-78.124  
(new)

Allocation of Funds for Supportive Purposes  
§§78.131-78.134  
(new)

Adult Vocational Education Provided by Local Education Agencies  
§§78.141-78.145  
(new)



**TITLE 22. EXAMINING BOARDS  
Part XXXII. State Committee of  
Examiners for Speech-Language  
Pathology and Audiology  
Chapter 741. Speech-Language  
Pathologists and Audiologists**

*(Editor's note: The State Commission of Examiners for Speech-Language Pathology and Audiology proposes for permanent adoption the new rules it adopts on an emergency basis in this issue. The text of the rules is published in the Emergency Rules section of this issue.)*

The State Committee of Examiners for Speech-Language Pathology and Audiology proposes new §§741.1, 741.2, 741.11-741.26, 741.41, 741.61-741.64, 741.81-741.84, 741.101-741.103, 741.121-741.129, 741.141-741.144, 741.161-741.165, 741.181, and 741.191-741.198, concerning the licensure and regulation of speech-language pathologists and audiologists, and aides in audiology and speech-language pathology. These proposed new sections will include the general procedures for the committee's operation, a code of ethics, academic requirements for licensure, application and examination procedures, licensing, renewal of licenses, fees, procedures for licensing persons with a criminal background, procedures for complaints, violations, and formal hearings. The section on requirements for continuing education will be expanded at a later date.

Stephen L. Seale, chief accountant III, has determined that for the first five-year period the rules will be in effect there will be fiscal implications as a result of enforcing or administering the rules.

The effect on state government will be an estimated additional cost of \$67,963 in 1984 and \$59,680 each year from 1985-1988. The estimated increase in revenue will be \$72,000 each year from 1984-1988.

There is no anticipated effect on local governments or small businesses as a result of enforcing or administering the rules.

Mr. Seale has also determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is the safeguarding of public health, safety, and welfare by establishing standards of professional conduct of speech-language pathologists and audiologists and establishing procedures and policies concerning their licensing and regulation.

The anticipated economic cost to individuals who are required to comply with the rules as proposed is the itemization of annual fees in §741.181.

Comments on the proposal may be submitted to June Robertson, Executive Secretary, State Committee of Examiners for Speech-Language Pathology and Audiology, 1100 West 49th Street, Austin, Texas 78756-3783, (512) 458-7531. Comments will be received for 30 days from the date of publication of the proposed rules. In addition, a public hearing will be held at 9 a.m. on April 13, 1984, in the Texas Department of Health Auditorium, 1100 West 49th Street, Austin.

**Subchapter A. Introduction**

**22 TAC §741.1, §741.2**

The new sections are proposed under Texas Civil Statutes, Article 4512j, §5, which provide the State Committee of Examiners for Speech-Language Pathology and Audiology, subject to approval of the Texas Board of Health, with the authority to adopt rules consistent with the Speech-Language Pathology and Audiology Licensure Act necessary to administer and enforce the Act.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 13, 1984

TRD-842992      Robert A. MacLean  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Proposed date of adoption  
May 12, 1984

For further information, please call (512) 458-7531.

**Subchapter B. The Committee**

**22 TAC §§741.11-741.26**

The new sections are proposed under Texas Civil Statutes, Article 4512j, §5, which provide the State Com-

mittee of Examiners for Speech-Language Pathology and Audiology, subject to approval of the Texas Board of Health, with the authority to adopt rules consistent with the Speech-Language Pathology and Audiology Licensure Act necessary to administer and enforce the Act.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 13, 1984.

TRD-842993      Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Proposed date of adoption:  
May 12, 1984

For further information, please call (512) 458-7531.

### **Subchapter C. The Practice of Speech-Language Pathology and Audiology**

22 TAC §741.41

The new section is proposed under Texas Civil Statutes, Article 4512j, §5, which provide the State Committee of Examiners for Speech-Language Pathology and Audiology, subject to approval of the Texas Board of Health, with the authority to adopt rules consistent with the Speech-Language Pathology and Audiology Licensure Act necessary to administer and enforce the Act.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 13, 1984

TRD-842994      Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Proposed date of adoption:  
May 12, 1984

For further information, please call (512) 458-7531.

### **Subchapter D. Academic Requirements for Examination and Licensure for Speech-Language Pathologists**

22 TAC §741.61-741.64

The new sections are proposed under Texas Civil Statutes, Article 4512j, §5, which provide the State Com-

mittee of Examiners for Speech-Language Pathology and Audiology, subject to approval of the Texas Board of Health, with the authority to adopt rules consistent with the Speech-Language Pathology and Audiology Licensure Act necessary to administer and enforce the Act.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 13, 1984.

TRD-842995      Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Proposed date of adoption:  
May 12, 1984

For further information, please call (512) 458-7531.

### **Subchapter E. Academic Requirements for Examination and Licensure for Audiologists**

22 TAC §§741.81-741.84

The new sections are proposed under Texas Civil Statutes, Article 4512j, §5, which provide the State Committee of Examiners for Speech-Language Pathology and Audiology, subject to approval of the Texas Board of Health, with the authority to adopt rules consistent with the Speech-Language Pathology and Audiology Licensure Act necessary to administer and enforce the Act.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 13, 1984.

TRD-842996      Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Proposed date of adoption:  
May 12, 1984

For further information, please call (512) 458-7531.

### **Subchapter F. Application Procedures** 22 TAC §§741.101-741.103

The new sections are proposed under Texas Civil Statutes, Article 4512j, §5, which provide the State Committee of Examiners for Speech-Language Pathology and Audiology, subject to approval of the Texas Board of Health, with the authority to adopt rules consistent

with the Speech-Language Pathology and Audiology Licensure Act necessary to administer and enforce the Act

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 13, 1984.

TRD-842997      Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Proposed date of adoption  
May 12, 1984

For further information, please call (512) 458-7531.

### **Subchapter G. Licensure Examinations**

#### **22 TAC §§741.121-741.129**

The new sections are proposed under Texas Civil Statutes, Article 4512j, §5, which provide the State Committee of Examiners for Speech-Language Pathology and Audiology, subject to approval of the Texas Board of Health, with the authority to adopt rules consistent with the Speech-Language Pathology and Audiology Licensure Act necessary to administer and enforce the Act.

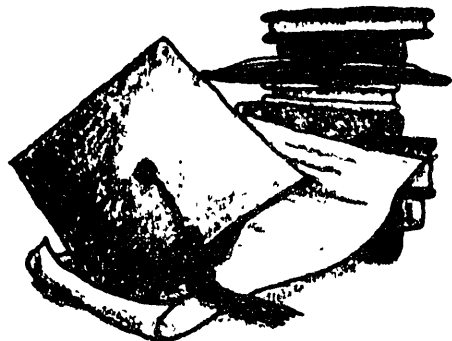
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 13, 1984

TRD-842998      Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Proposed date of adoption  
May 12, 1984

For further information, please call (512) 458-7531.



### **Subchapter H. Licensing**

#### **22 TAC §§741.141-741.144**

The new sections are proposed under Texas Civil Statutes, Article 4512j, §5, which provide the State Com-

mittee of Examiners for Speech-Language Pathology and Audiology, subject to approval of the Texas Board of Health, with the authority to adopt rules consistent with the Speech-Language Pathology and Audiology Licensure Act necessary to administer and enforce the Act.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 13, 1984

TRD-842999      Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Proposed date of adoption  
May 12, 1984

For further information, please call (512) 458-7531.

### **Subchapter I. License Renewal**

#### **22 TAC §§741.161-741.165**

The new sections are proposed under Texas Civil Statutes, Article 4512j, §5, which provide the State Committee of Examiners for Speech-Language Pathology and Audiology, subject to approval of the Texas Board of Health, with the authority to adopt rules consistent with the Speech-Language Pathology and Audiology Licensure Act necessary to administer and enforce the Act.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 13, 1984.

TRD-843000      Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Proposed date of adoption  
May 12, 1984

For further information, please call (512) 458-7531.

### **Subchapter J. Fees and Late Renewal Penalties**

#### **22 TAC §741.181**

The new section is proposed under Texas Civil Statutes, Article 4512j, §5, which provide the State Committee of Examiners for Speech-Language Pathology and Audiology, subject to approval of the Texas Board of Health, with the authority to adopt rules consistent with the Speech-Language Pathology and Audiology

Licensure Act necessary to administer and enforce the Act.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 13, 1984

TRD-843001 Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Proposed date of adoption:  
May 12, 1984

For further information, please call (512) 458-7531.

### Subchapter K. Denial, Suspension, or Revocation of Licensure

22 TAC §§741.191-741.198

The new sections are proposed under Texas Civil Statutes, Article 4512j, §5, which provide the State Committee of Examiners for Speech-Language Pathology and Audiology, subject to approval of the Texas Board of Health, with the authority to adopt rules consistent with the Speech-Language Pathology and Audiology Licensure Act necessary to administer and enforce the Act.

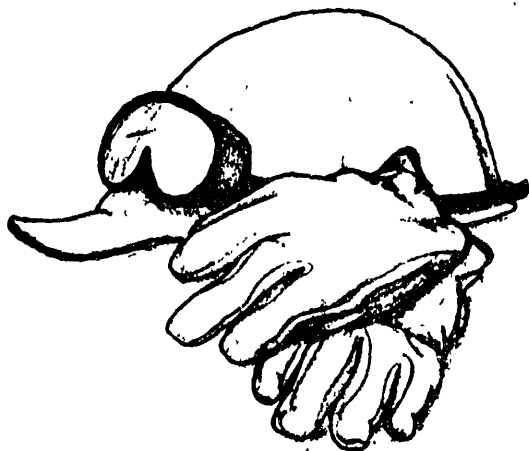
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 13, 1984

TRD-843002 Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Proposed date of adoption:  
May 12, 1984

For further information, please call (512) 458-7531.



## TITLE 25. HEALTH SERVICES Part I. Texas Department of Health Chapter 157. Emergency Medical Services

25 TAC §§157.61-157.73

The Texas Department of Health proposes new §§157.61-157.73, concerning emergency medical services. The proposed new sections cover minimum requirements for personnel certification, vehicle registration by permit, categorization of vehicles, suspension and revocation of vehicle permits, requests for emergency care attendant training, requests for variances, and fees. These new sections were first proposed in the December 23, 1983, issue of the *Texas Register* (8 TexReg 5379). Revisions have been made which have taken into account comments received in writing and at a public hearing held on January 27, 1984. These proposed new sections will replace emergency §§157.61-157.75, covering emergency medical services.

Stephen Seale, chief accountant III, has determined that for the first five-year period the rules will be in effect there will be fiscal implications as a result of enforcing or administering the rules. The effect on state government will be an estimated additional cost of \$55,120 in 1984 and \$81,480 each year in 1985-1988. There will be an estimated increase in revenue of \$55,120 in 1984, and \$81,480 each year in 1985-1988. There is no anticipated effect on local governments.

The cost of compliance with the rules for small businesses will be a two-year registration for vehicles at \$25 each, with a maximum \$500 for a fleet of vehicles. The biennial cost per employee for most small businesses would be \$12.50, assuming two employees per ambulance. The cost per employee for the largest businesses would be \$8.33, under the same assumptions.

Mr. Seale has also determined that for each year of the first five years the rules are proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is the establishment of the framework by which prompt and efficient pre-hospital care for the sick and injured will meet minimum standards statewide under the supervision of a physician, when practical. The anticipated economic cost to individuals who are required to comply with the rules as proposed is the \$30 fee for a four-year certification or recertification for specially skilled emergency medical technician or paramedic emergency medical technician. The fee for a four-year certification or recertification for emergency care attendant or basic emergency medical technicians is \$20. A two-year registration for vehicles is \$25, with a maximum of \$500 for a fleet of vehicles.

Comments on the proposal may be submitted to Charles H. Gregory, M.D., Chief, Bureau of Emergency Management, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Comments



will be accepted for 30 days after publication of these proposed new sections in the *Texas Register*.

The new sections are proposed under Texas Civil Statutes, Article 4447o, §3.02, 3.03, and 3.04, which provide the Texas Board of Health with the authority to adopt rules to implement the Emergency Medical Services Act

**§157.61. Purpose.**

(a) The purpose of these rules is to implement the Emergency Medical Services Act, Texas Civil Statutes, Article 4447o.

(b) These rules will provide minimum requirements for emergency medical service personnel certification, interstate emergency medical services personnel reciprocity, emergency medical services personnel recertification, emergency medical services vehicle registration by permit, categorization of emergency medical services vehicles, suspension and revocation of vehicle permit, request for emergency care attendant training, requests for variances, and fees.

**§157.62. Definitions.** The following words and terms, when used in these sections, shall have the following meanings, unless the context clearly indicates otherwise:

Act—Emergency Medical Services Act, Texas Civil Statutes, Article 4447o.

Advanced life support (ALS)—Emergency prehospital care using invasive medical acts. A specially skilled emergency medical technician or a paramedic emergency medical technician shall provide this level of care under the medical supervision and control of a licensed physician.

Advanced life support (ALS) vehicle—A vehicle that is designed for transporting the sick and injured and that meets the requirements of a basic life support vehicle, and equipment and supplies for providing intravenous therapy and endotracheal or esophageal intubation, or both

Basic emergency medical technician (B-EMT)—An individual who has received a minimum of 120 hours of training approved by the department and who is certified by the department as minimally proficient to perform emergency prehospital care that is necessary for basic life support and that includes the control of hemorrhaging and basic cardiopulmonary resuscitation.

Basic life support (BLS)—Emergency prehospital care using noninvasive medical acts. An emergency care attendant or basic emergency medical technician may provide this level of care under the medical supervision and control of a licensed physician

Basic life support vehicle—A vehicle that is designed for transporting the sick or injured and that has sufficient equipment and supplies for providing basic life support.

Board—The Texas Board of Health.

Bureau—The Bureau of Emergency Management of the Texas Department of Health

Bureau chief—The chief of the Bureau of Emergency Management of the Texas Department of Health.

Candidate—An individual who is requesting emergency medical services personnel certification from the Texas Department of Health.

Certificant—Emergency medical services personnel with current certification from the Texas Department of Health.

Department—The Texas Department of Health.

Emergency care attendant (ECA)—An individual who has completed a minimum of 40 hours of training approved by the department and who is certified by the department to provide emergency prehospital care by providing initial aid that promotes comfort and avoids aggravation of an injury or illness.

EMS—Emergency medical service.

Emergency medical services personnel—

(A) emergency care attendant (ECA);

(B) basic emergency medical technician (B-EMT);

(C) specially skilled emergency medical technician (SS-EMT); or

(D) paramedic emergency medical technician (P-EMT).

Emergency medical services provider—An organization that uses or maintains emergency medical services vehicles or emergency medical services personnel to provide emergency medical care or nonemergency transportation of the sick or injured.

Emergency medical services vehicle—

(A) basic life support vehicle;

(B) advanced life support vehicle;

(C) mobile intensive care unit; or

(D) specialized emergency medical services vehicle.

Emergency prehospital care—Care provided to the sick or injured during emergency transportation to a medical facility, including any necessary stabilization of the sick or injured in connection with that transportation.

Governmental entity—A county, a city or town, a school district, or a special district or authority created in accordance with the Texas Constitution, including a rural fire prevention district, a water district, a municipal utility district, and a hospital district

Industrial ambulance—Any vehicle owned and operated by an industrial facility, including both ground vehicles at industrial sites used for the initial transport or transfer of the unstable urgently sick or injured and ground vehicles at industrial sites used to transport persons at those sites who become sick, injured, wounded, or otherwise incapacitated in the course of their employment from job site to an appropriate medical facility; provided, however, that the vehicle is not available for hire or use by the general public except when assisting the local community in disaster situations or when existing ambulance service is not available

Medical supervision—Direction given to emergency medical services personnel by a licensed physician under the terms of the Medical Practice Act, Texas Civil Statutes, Article 4495b, and rules promulgated by the Texas State Board of Medical Examiners pursuant to the terms of the Medical Practice Act.

Mobile intensive care unit—A vehicle that is designed for transporting the sick or injured and that meets the requirements of the advanced life support vehicle and has sufficient equipment and supplies to provide cardiac monitoring, defibrillation, drug therapy, and two-way radio communication

**Paramedic emergency medical technician (P-EMT)**—An individual who has successfully completed the basic emergency medical technician requirements and an additional minimum of 400 hours of training approved by the department and who is certified by the department as minimally proficient to provide emergency prehospital care by providing advanced life support that includes initiation, under medical supervision, of intravenous therapy, endotracheal or esophageal intubation or both, electrical cardiac defibrillation or cardioversion, and drug therapy.

**Person**—An individual, corporation, organization, government, governmental subdivision or agency, business, trust, partnership, association, or any other legal entity.

**Recertification**—The procedure for renewal of emergency medical services certification.

**Reciprocity**—The recognition of certifications or privileges granted to an individual from another state.

**Service area**—A trade, market, patient flow, or other catchment area in which an emergency medical services provider provides 95% of the emergency prehospital care.

**Shall**—Mandatory requirements.

**Sole provider**—The only emergency medical services provider in a service area.

**Specialized emergency medical services vehicle**—A vehicle that is designed for transporting the sick or injured by means of air, water, or ground transportation, that is not a basic life support or advanced life support vehicle or a mobile intensive unit, and that has sufficient equipment and supplies to provide for the specialized needs of the patient transported. The term includes fixed wing aircraft, helicopters, boats, and ground transfer vehicles used for transporting the sick or injured.

**Specially skilled emergency medical technician (SS-EMT)**—An individual who has successfully completed the basic emergency medical technician requirements and an additional minimum of 160 hours of training approved by the department and who is certified by the department as minimally proficient in performing skills required to provide emergency prehospital care by initiating under medical supervision intravenous therapy and endotracheal or esophageal intubation, or both.

**Volunteer personnel**—Emergency medical services personnel whose sole involvement in providing emergency prehospital care is with an emergency medical services volunteer provider and who is unsalaried.

**Volunteer provider**—An emergency medical services provider that provides emergency prehospital care without remuneration, except for reimbursement for expenses.

**§157.63. Certification.**

(a) A candidate shall:

- (1) be 18 years of age;
- (2) successfully complete a department-approved course or submit proof of current EMS personnel certification from another state;
- (3) complete the application for examination;
- (4) submit to the department the application and the applicable nonrefundable fee:

(A) SS-EMT and P-EMT—\$30;

(B) ECA and B-EMT—\$20; or

(C) EMS volunteer personnel—no fee.

(5) achieve a passing grade on all department skills examinations;

(A) ECA and B-EMT skills examination shall consist of:

- (i) dressing and bandaging/splinting;
- (ii) traction splints;
- (iii) mechanical aids to breathing;
- (iv) vital signs; and
- (v) basic cardiopulmonary resuscitation.

(B) SS-EMT skills examination shall consist of the skills examination requirements for ECA and B-EMT in subparagraph (A) of this paragraph, and, in addition:

- (i) intravenous fluid therapy administration;
- (ii) utilization of the antishock trousers; and
- (iii) insertion of the endotracheal tube and the esophageal obturator for airway control.

(C) P-EMT skills examination shall consist of the skills examination requirements for ECA, B-EMT, and SS-EMT in subparagraphs (A) and (B) of this paragraph, and, in addition:

- (i) emergency drug administration;
- (ii) dysrhythmia recognition; and
- (iii) defibrillation and cardioversion;

(6) achieve a passing grade of 70 on the department's written examination.

(b) After verification by the department of the information submitted by the candidate, a candidate who meets the requirements in subsection (a) of this section shall be certified for four years commencing on the date of issuance of a certificate and wallet-sized card signed by department officials.

(c) A candidate who fails either the skills examination or the written examination may retest one time within 90 days of the initial examination date. A request for a retest of the written examination shall be made to the department at least 30 days in advance of the expiration of the 90-day period.

(d) A certificate is not transferable. The wallet-sized certificate shall be carried by all EMS personnel while on duty.

(e) Emergency medical services personnel shall perform emergency care procedures only as authorized by the Medical Practices Act, Texas Civil Statutes, Article 4495b, and rules adopted thereunder in 22 TAC §§193.1-193.5 (relating to Standing Delegation Orders), and §§197.1-197.4 (relating to Emergency Medical Service).

**§157.64. Recertification.**

(a) At least 180 days prior to the expiration of a certificate, the bureau will mail a notice of expiration by U.S. mail to the certificant at the address shown in the bureau's records. It is the responsibility of EMS personnel to notify the bureau of any change of address.

(b) If a certificant has not received notice of expiration from the bureau 45 days prior to the expiration, it is the duty of the certificant to notify the bureau and request an application for recertification. Failure to timely apply for recertification shall result in expiration of the certificate.

(c) A certificant shall meet the following requirements for recertification:

(1) complete the continuing education requirements for recertification, as approved by the department, prior to the expiration of the certificate and prior to taking the required examinations;

(2) submit to the department the application for recertification and a nonrefundable fee:

(A) SS-EMT and P-EMT—\$30;

(B) ECA and B-EMT—\$20; or

(C) EMS volunteer personnel—no fee;

(3) achieve a passing grade of 70 on the department's written examination;

(4) achieve a passing grade on all department skills examinations as described in §157.63(a)(5) of this title (relating to Certification).

(d) Late recertification.

(1) If a certificant has requested recertification by submission of the application and fee prior to the expiration of the certificate, the certification shall continue for a period not to exceed 90 days after the original expiration date. The certificant shall meet all additional requirements within this 90-day period.

(2) If an application for recertification is received after the expiration date but within 90 days following the expiration date, the applicant shall qualify for recertification by meeting the requirements in subsection (c) of this section, provided that all requirements are completed within the 90-day period. Certification shall not continue during the 90-day period.

(e) After verification by the department of the information submitted by the certificant, a certificant who meets the requirements in subsection (c) and subsection (d)(1) of this section will be recertified for four years commencing on the day following the expiration date of the original certificate. A new certificate and wallet-sized card signed by department officials shall be issued. An applicant who qualifies for recertification under subsection (d)(2) of this section shall be certified for four years commencing on the date of issuance of a certificate and wallet-sized card signed by department officials.

(f) A certificant who fails the skills examination or the written examination may retest one time within the 90-day period described in subsection (d) of this section. A request for retest of the written examination shall be made to the department at least 30 days in advance of the expiration of the 90-day period.

(g) If a certificant fails to meet the requirements for recertification as provided in this section, reapplication for certification shall be made pursuant to §157.63 of this title (relating to Certification).

**§157.65. Procedure for Denial of Certification or Recertification.**

(a) If the bureau proposes to deny an application for certification or recertification, the bureau shall notify the candidate or certificant of the reasons for the proposed denial.

(b) The candidate or certificant may request a hearing within 30 days after the date of the notice. This request should be submitted to the bureau chief. A hearing shall be conducted pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Arti-

cle 6252-13a, and §§1.21-1.32 of this title (relating to Formal Hearing Procedures).

(c) If the candidate or certificant does not request a hearing, in writing, after receiving the notice of proposed denial, the candidate or certificant is deemed to have waived the opportunity for a hearing and the request for certification or recertification shall be denied.

(d) Denial of certification or recertification is based on failure to meet the requirements described in §157.63 of this title (relating to Certification) and §157.64 of this title (relating to Recertification) or the criteria stated in §157.25 of this title (relating to Criteria for Denial of Issuance of Registration Certificate).

**§157.66. General Requirements for Vehicle Permits.**

(a) A vehicle holding a valid permit prior to January 1, 1984, issued under the authority of Texas Civil Statutes, Article 4590b, shall be deemed permitted under the requirements of this title until either the original expiration date of the permit or until December 31, 1985, whichever is earlier.

(b) Permit application.

(1) Initial application.

(A) An EMS provider shall request an application form from the bureau.

(B) The EMS provider shall submit the completed application and the nonrefundable fee, if any, as provided in subsection (c) of this section.

(C) The bureau may request the EMS provider to submit information to allow for radio frequency coordination of the special emergency frequencies prior to the operation of new or modified equipment.

(2) Permit renewal.

(A) The bureau shall notify the EMS provider 60 days prior to the expiration date of a vehicle permit.

(B) Emergency medical services providers shall submit a completed application and the nonrefundable fee, as provided in subsection (c) of this section. An application shall be submitted at least 30 days prior to the expiration date.

(c) Fees.

(1) Fees shall be \$25 for each EMS vehicle or a maximum of \$500 for a fleet of EMS vehicles during the two-year registration period.

(2) If a permit is issued for less than a two-year period under subsection (d)(4) of this section, the following fees shall apply:

(A) \$25 if the permit is valid for a period more than 18 months;

(B) \$18.75 if the permit is valid for a period greater than 12 but less than 19 months;

(C) \$12.50 if the permit is valid for a period greater than six months but less than 13 months; or

(D) \$6.25 if the permit is valid for six months or less.

(3) If the EMS provider has met the maximum \$500 fee for a fleet during a permit period, no fee shall be required for additional vehicles registered during the permit period.

(d) Inspections

(1) Prior to the issuance of a permit, the vehicle shall be inspected by the department at a reasonable time and place agreed upon between the EMS provider and the department.

(2) The inspection shall include:

(A) confirmation that the vehicle has a current motor vehicle certificate of inspection as required by Texas Civil Statutes, Article 6701d, and motor vehicle license number plates which show current registration as required by Texas Civil Statutes, Article 6675a-3e;

(B) visual and mechanical inspection of the vehicle for the purpose of determining compliance with the vehicle type specifications of these rules. In addition, the following motor vehicle equipment shall be in good and working order as required by Texas Civil Statutes, Article 6701d:

(i) headlights, taillights, back-up lights, and brake lights;

(ii) horn and audible warning device;

(iii) emergency lights;

(iv) brakes; and

(v) tires;

(C) visual and mechanical inspection of equipment for the purpose of determining compliance with the vehicle equipment specifications of these rules.

(3) A vehicle shall fail the inspection if the requirements in paragraph (2) of this subsection are not met.

(A) The department shall give the EMS provider a written report at the inspection indicating the deficiencies.

(B) A temporary 30-day permit shall be issued to allow for compliance.

(C) At the request of the EMS provider, the department shall reinspect the vehicle to determine if the deficiencies have been corrected. The department may require review of written documentation, such as equipment repair bills or sales receipts, and may reinspect the vehicle and equipment visually and mechanically for compliance with these rules.

(D) A second temporary permit may be issued after reinspection in the following cases:

(i) written documentation is submitted showing that equipment repair and/or part is backordered; or

(ii) written documentation is submitted showing that equipment was ordered but not received.

(4) A vehicle that meets the requirements of this section shall be issued a permit valid for a period of two years, except that the department may issue an initial permit for less than two years in order to conform expiration dates to existing inspection schedules for a locality. An initial permit shall be valid upon the date of issuance. A renewed permit shall be valid on the day after the expiration of the previous permit.

(e) Permits shall be issued for the following types of vehicles:

(1) basic life support vehicles;

(2) advanced life support vehicles;

(3) mobile intensive care units; and

(4) specialized emergency medical services vehicles.

(f) A permit is not transferable from one vehicle to another.

(g) A reserve vehicle which is not routinely used as an EMS vehicle shall apply for a permit under this section. The application shall include a request for a vari-

ance in §157.72 of this title (relating to Request for Variances from Minimum Standards).

**§157.67. Basic Life Support Vehicle Requirements for a Permit.**

(a) Staffing requirements. The requirements for staffing a basic life support (BLS) vehicle, when in service, shall be:

(1) from January 1-December 31, 1984, with at least two individuals, one of whom shall be trained to the emergency care attendant level and the other shall be the vehicle driver; and

(2) on and after January 1, 1985, with at least two emergency care attendants.

(b) Provision of advanced care. Advance life support level of care may be provided on a BLS vehicle when the vehicle:

(1) is staffed by an SS-EMT or P-EMT acting under medical supervision; and

(2) has proper advanced life support equipment.

(c) Vehicle type specifications.

(1) Vehicles shall have:

(A) 40 inches of head room in the patient compartment;

(B) air conditioning and heating in the patient compartment; and

(C) a multilevel stretcher capable of being secured to the vehicle.

(2) The patient compartment size should be 100 inches long by 62 inches wide without cabinets or 100 inches long by 48 inches wide with cabinets.

(3) A vehicle holding a valid permit prior to January 1, 1984, issued under the authority of Texas Civil Statutes, Article 4590b, shall not be required to meet the vehicle type specifications of this subsection. Any vehicle applying for an initial permit shall meet the vehicle type specifications of this subsection.

(d) Required equipment. The following BLS required equipment must be clean, in working order, and in sufficient quantity to provide safe transport for patients in the individual service areas:

(1) one small, one medium, and one large size extrication cervical collar (soft foam rubber cervical collars are not acceptable);

(2) one portable suction apparatus with wide tubing and suction tip (bulb syringe not acceptable);

(3) one bag mask unit with adult- and child-sized masks which can be used with an external oxygen supply;

(4) one infant bag mask unit which can be used with an external oxygen supply;

(5) oropharyngeal airways (nonmetallic) in adult, child, and infant sizes;

(6) one portable oxygen unit with adequate tubing and semi-open valveless, transparent masks in adult and child sizes;

(7) two clean, padded bite sticks;

(8) two multitrauma dressings approximately 10 inches by 30 inches in size;

(9) a minimum of five dozen sterile gauze pads;

(10) one dozen soft roller, adhering bandages;

(11) one-half dozen sterile petroleum jelly impregnated gauze or suitable occlusive dressing;

(12) four rolls of adhesive tape;

- (13) four sterile burn sheets;
- (14) one traction splint with all attachments suitable for an adult and child, or one adult and one child traction splint;
- (15) padded board, cardboard, or aluminum splints as follows:
  - (A) two at least 15 inches long by at least three inches wide;
  - (B) one at least 48 inches long by at least three inches wide; or
  - (C) may be, but not limited to, any of the following types of splints:
    - (i) inflatable splints;
    - (ii) foam-type rapid splints;
    - (iii) wire ladder splints;
    - (iv) commercial fracture pack.
- (16) long and short spine boards to include:
  - (A) one long six-foot board or commercial device; and
  - (B) one short spine board or commercial device; or
  - (C) commercial device which serves the purpose of both subparagraphs (A) and (B) of this paragraph.
- (17) one dozen triangular bandages;
- (18) two pairs of bandage shears (table shears are not acceptable);
- (19) sealed obstetrics kit. Commercial obstetrics kit is acceptable. A noncommercial kit must be labeled and include the following:
  - (A) sterile gloves;
  - (B) one disposable sheet;
  - (C) cleansing cloths;
  - (D) umbilical clamps;
  - (E) nylon cord tie-offs;
  - (F) disposable scalpel;
  - (G) bulb aspirator;
  - (H) four-inch by four-inch gauze sponges;
  - (I) obstetrical pad;
  - (J) receiving blanket;
  - (K) disposable towels; and
  - (L) plastic bag;
- (20) nonporous infant insulating device;
- (21) poison kit. The kit must include the following:
  - (A) syrup of Ipecac; and
  - (B) activated charcoal or charcoal suspension (liquid).
- (22) one adult and one child sphygmomanometer;
- (23) stethoscope;
- (24) flashlight or penlight;
- (25) one multilevel stretcher with two clean sheets, two clean blankets, and two clean pillows with clean cases;
- (26) two-way radio (citizen's band radio is not acceptable);
- (27) fire extinguisher, at least a one-quart chemical type.

(e) Recommended equipment. The following equipment is recommended in addition to the required ambulance equipment:

- (1) nasopharyngeal airway;
- (2) emesis basin;

- (3) medium size dressing (five inches by nine inches or eight inches by 10 inches);
- (4) adhesive bandage strips;
- (5) glucose or sugar for oral administration;
- (6) cold packs;
- (7) bulb syringe (separate from aspirator included in obstetrics kit);
- (8) plastic bags;
- (9) paper bags; and
- (10) sterile irrigation fluid.

**§157.68. Advanced Life Support Vehicle Requirements for a Permit.**

(a) Staffing requirements. The requirements for staffing an advanced life support (ALS) vehicle shall be:

(1) the EMS provider shall be capable of providing this level of care 24 hours per day, seven days per week;

(2) when in service, an ALS vehicle shall be staffed with two EMS personnel one of whom shall be a B-EMT and the other shall be a SS-EMT beginning March 1, 1984.

(b) Vehicle type specifications.

(1) General vehicular types shall be:

(A) Type I vehicle, Class 1 or 2, shall be a chassis furnished with a two-door conventional cab. Chassis-cab shall be suitable for subsequent mounting of a modular (containerized) transferrable equipped ambulance body.

(i) Class 1—Two rear wheel driven (four by two).

(ii) Class 2—Four-wheel driven (four by four).

(B) Type II vehicle, Class 1 or 2, shall be (truck) manufacturer's standard commercial, long wheel-base, forward control (FC), integral compact van. This van (body) vehicle shall be suitable for subsequent conversion/modification, and equipped as an EMS vehicle.

(i) Class 1—Two rear wheel driven (four by two).

(ii) Class 2—Four-wheel driven (four by four).

(C) Type III, Class 1, 2, or 3, shall be a specialty van, forward control (FC) style, unitized cab and body, or provided with a containerized modular constructed transferrable body. The chassis or front section cab-chassis shall be suitable for the subsequent fabrication, conversion, or modification into an EMS vehicle.

(i) Class 1—Two-rear-wheel driven (four by two).

(ii) Class 2—Four-wheel driven (four by four).

(iii) Class 3—Two-front-wheel driven (four by two) (if available).

(2) The EMS vehicle shall be equipped with an electrical generating system rated at not less than 120 amperes at 14 volts.

(c) Required equipment. Advanced life support required equipment shall include all BLS equipment as provided in §157.67(c) of this title (relating to Basic Life Support Vehicle Requirements for a Permit), plus the following, which shall be clean and in working order:

(1) intravenous fluids with administration sets for volume replacement or to keep vein open in quanti-

ties and types as in EMS provider's Medical Treatment Protocols;

(2) 50% Dextrose;

(3) esophageal obturator and/or endotracheal tubes with laryngoscope and blades in adult, child, and infant sizes;

(4) demand valve oxygen unit, a mechanically operated, positive pressure ventilation device which is capable of manual operation may substitute;

(5) intravenous catheters and butterflies in quantities and sizes as in Medical Treatment Protocols;

(6) one copy of the Medical Treatment Protocols signed by the EMS provider's medical director;

(7) pneumatic anti-shock trousers in adult and pediatric sizes.

(d) Recommended equipment. The following equipment is recommended for ALS:

(1) nasopharyngeal airway;

(2) emesis basin;

(3) medium size dressing (five inches by nine inches or eight inches by 10 inches);

(4) adhesive bandage strips;

(5) glucose or sugar for oral administration;

(6) cold packs;

(7) bulb syringe (separate from aspirator included in OB kit);

(8) plastic bags; and

(9) paper bags.

**§157.69. Mobile Intensive Care Unit Requirements for a Permit.**

(a) Staffing requirements. The requirements for staffing a mobile intensive care unit (MICU) shall be:

(1) the EMS provider shall be capable of providing this level of care 24 hours per day, seven days per week;

(2) when in service, MICUs shall be staffed with at least two EMS personnel, one of whom shall be a P-EMT and the other shall be at least a B-EMT beginning March 1, 1984.

(b) Vehicle type specifications. Vehicle type specifications shall be as required in §157.68(b) of this title (relating to Advanced Life Support Vehicle Requirements for a Permit).

(c) Required equipment. Mobile intensive care unit required equipment shall include all ALS equipment as provided in §157.68(c) of this title (relating to Advanced Life Support Vehicle Requirements for a Permit), plus the following which shall be clean and in working order:

(1) EKG monitor with defibrillator;

(2) drugs as prescribed by the service's medical director;

(3) Telemetry for medical control—waiver may be granted for geographical, technical, or medical director restrictions.

(d) Recommended equipment. The following equipment is recommended for MICU:

(1) nasopharyngeal airway;

(2) emesis basin;

(3) medium size dressing (five inches by nine inches or eight inches by 10 inches);

(4) adhesive bandage strips;

(5) glucose or sugar for oral administration;

(6) cold packs;

(7) bulb syringe (separate from aspirator included in OB kit);

(8) plastic bags; and

(9) paper bags.

**§157.70. Delegation of Vehicle Inspection.**

(a) Inspections of EMS vehicles may be delegated by the department to the commissioners court of a county or the governing body of a municipality at its request.

(b) The requirements for delegation of inspection are as follows:

(1) File an application with the bureau on a department-prescribed form containing:

(A) name of county or municipality;

(B) name(s) of individual(s) to perform inspection;

(C) name(s) of firm(s) to be inspected; and

(D) signature of county judge or mayor/city manager.

(2) The department may delegate to the municipality or county the authority to inspect EMS vehicles and collect fees in accordance with Texas Civil Statutes, Article 4447o, §3.04(c) and (d), and these rules upon the execution of a contract which includes, but is not limited to, the following provisions:

(A) The municipality or county shall employ an inspector(s) and shall have in place due process hearing procedures for such employees.

(B) The inspector(s) employed by the municipality or county shall meet the following requirements:

(i) the inspector shall be certified as a B-EMT, SS-EMT, or P-EMT;

(ii) the inspector shall attend an inspection training program offered by the department. The inspector shall make three inspections with the department's vehicle inspector after which time the inspector will be evaluated, and, if necessary, retrained. The inspector must satisfactorily complete the training program in order to be approved by the department.

(C) The municipality or county shall immediately notify the department when any inspector leaves the employment of the municipality or county.

(D) The municipality or county shall provide the department with reports and information as requested in the format agreed to by the parties. The municipality or county shall agree to periodic evaluations of its inspection program.

(E) The municipality or county shall retain all fees collected and shall keep accurate records of the collection and deposit of such fees.

(F) The municipality or county shall comply with all applicable state and federal laws and department rules, policies, and procedures for vehicle inspection.

(G) The inspector may not inspect county or municipally operated vehicles if the inspector is in any way affiliated with the particular division which operates the vehicles.

(H) The contract may be terminated by the municipality or county upon 30 days' notice, or by the department for cause after notice and opportunity for a hearing.

**§157.71. Emergency Suspension, Suspension, and Revocation of a Permit.**

(a) Emergency suspension.

(1) The bureau chief shall issue an emergency order to suspend any certificate or permit issued under this Act if the bureau chief has reasonable cause to believe that the conduct of any certificate holder or permit holder creates an imminent danger to the public health or safety.

(2) An emergency suspension is effective immediately without a hearing upon notice to the certificate holder or permit holder. In the case of a volunteer provider, notice must also be given to the sponsoring governmental entity.

(3) On written request of the certificate holder or permit holder, the department shall conduct a hearing not earlier than the 10th day nor later than the 30th day after the date on which a hearing request is received to determine if the emergency suspension is to be continued, modified, or rescinded. The hearing and an appeal from a disciplinary action related to the hearing are governed by §§1 21-1.32 of this title (relating to Formal Hearing Procedures) and the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, as amended.

(b) Nonemergency suspension.

(1) Reasons for suspension. An EMS vehicle permit may be suspended for the following:

(A) the vehicle is not staffed in compliance with the Act and these rules;

(B) the vehicle does not meet the inspection requirements of these rules;

(C) the vehicle is not equipped in compliance with these rules; and

(D) a second offense of different nature within 12 months of a previous suspension.

(2) Notification. The permittee shall be notified in writing of the proposed suspension or revocation and be given an opportunity to request a hearing in accordance with §§1.21-1.32 of this title (relating to Formal Hearing Procedures)

(3) Hearing request.

(A) If the permittee does not request a hearing in writing within 10 days after receiving the notice of opportunity, the permittee is deemed to have waived the opportunity for a hearing and the permit shall be suspended at least 10 days

(B) If the permittee requests a hearing and the findings are upheld, the permit shall be suspended at least 10 days.

(c) Revocation.

(1) Reasons for revocation. An EMS vehicle permit may be revoked for the following:

(A) operating the vehicle while under suspension of a permit;

(B) tampering, altering, or changing a permit issued by the department;

(C) failing to correct deficiencies during the period of suspension;

(D) any repeat offense, within 12 months of the initial suspension, which is grounds for suspension;

(E) any third offense which may cause suspension which occurs within a 12-month period of a previous suspension.

(2) Notification. The permittee shall be notified in writing of the proposed revocation and be given an opportunity to request a hearing in accordance with §§1.21-1.32 of this title (relating to Formal Hearing Procedures)

(3) Hearing request. If the permittee does not request a hearing in writing within 10 days after receiving the notice of opportunity, the permittee is deemed to have waived the opportunity for a hearing and the permit shall be revoked.

**§157.72. Request for Variances from Minimum Standards.**

(a) An EMS provider may request a variance from a standard or rule adopted under the Act based on a specific hardship by applying to the bureau chief. A request from an EMS volunteer provider shall be signed by the county judge for the county or by the mayor/city manager for a municipality within which the EMS volunteer provider intends to operate. The request shall be made on a form provided by the department.

(b) Evaluation of the request shall be based on the criteria in the Act, §3.13.

(c) If a variance is granted, an EMS vehicle permit shall be issued subject to annual review by the department. The department shall issue a letter to the EMS provider that states the specific rule or standard waived.

**§157.73. Request for EMS Training at the Local Level.**

(a) Generally. A governmental entity that sponsors or wishes to sponsor an EMS provider may request the bureau to provide EMS training for emergency care attendants if the training is not available locally.

(b) Requests.

(1) Requests from governmental entities shall be signed by the mayor, city manager, county judge, chairman of a hospital district board, or appropriate authority of other governmental entities.

(2) All requests shall be sent to the bureau chief on a department-prescribed form containing:

(A) number of residents in service area;

(B) number of square miles in service area;

(C) number and name of trained personnel, their certification level, and expiration date;

(D) number of vehicles and number of vehicles permitted;

(E) name and distance to closest known training site;

(F) source and amount of monetary support;

(G) local governmental support and fiscal and other resources;

(H) annual EMS budget;

(I) time and place preferred by provider for training;

(J) number of runs per month; and

(K) other EMS providers in service area.

(c) Evaluation of requests. The bureau will evaluate each request and give priority to those requests indicating the greatest need for training. The bureau may request additional information for clarification.

(1) Evaluation of the request shall be based upon:

- (A) the determination of availability of training in service area;
- (B) the number of trained personnel in the service area for vehicle numbers and run data;
- (C) the level of care being provided by a sponsored EMS provider; and
- (D) the cost for training.

(2) The request may be denied if the bureau concludes from data presented that training is unnecessary or the training is available locally.

(d) Response to requests. The bureau shall respond in writing to the request within 30 days of receipt of the request.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 13, 1984

TRD-843074      Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Proposed date of adoption.  
May 12, 1984

For further information, please call (512) 458-1393.

**TITLE 25. HEALTH SERVICES**  
**Part II. Texas Department of**  
**Mental Health and Mental**  
**Retardation**  
**Chapter 403. Other Agencies and the**  
**Public**  
**Subchapter T. Client Abuse and Neglect**  
**in Community Mental Health and**  
**Mental Retardation Centers**

25 TAC §§403.551-403.557

The Texas Department of Mental Health and Mental Retardation (TDMHMR) proposes new §§403.551-403.557, concerning client abuse and neglect in community mental health and mental retardation centers

The new subchapter is proposed pursuant to the recommendations of the Task Force on Client Abuse and Neglect Reporting and Investigative Procedures, which was appointed by the commissioner to establish such procedures for community mental health and mental retardation centers statewide

Sue Dillard, Office of Standards and Quality Assurance director, has determined that for the first five-year period the rules are in effect there will be no fiscal implications to state or local governments or small businesses as a result of enforcing or administering the rules

Ms. Dillard has also determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is the establishment of a uniform policy for the reporting and investigating of client abuse and neglect. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Linda Logan, Rules Coordinator, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711, within 30 days of publication.

The new sections are proposed under Texas Civil Statutes, Article 5547-202, §2.11(b), which provide the commissioner with the authority to promulgate rules of the department subject to the basic and general policies formulated by the Texas Board of Mental Health and Mental Retardation.

**§403.551. Purpose.** The purpose of these rules is to identify and prohibit client abuse and neglect by employees, affiliates, and agents of community mental health and mental retardation centers and to prescribe principles for its report and prevention.

**§403.552. Application** These rules apply to all community mental health and mental retardation centers.

**§403.553. Definitions.** The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

**Affiliate**—Any school, organization, or entity associated in a working alliance with a center (by contract).

**Agent**—Any individual not employed by the center but working under the auspices of the center, such as volunteers, consultants, students, etc.

**Alleged**—Pertaining to an event about which an assertion or declaration has been made without proof, and which its maker proposes to support with evidence.

**Center**—A community mental health and mental retardation center.

**Child**—A person under 18 years of age who is not and has not been married or who has not had his disabilities of minority removed for general purposes.

**Client**—Any person receiving services from a community mental health and mental retardation center.

**Commissioner**—The commissioner of the Texas Department of Mental Health and Mental Retardation.

**Community mental health and mental retardation center**—

- (A) a community mental health center,
- (B) a community mental retardation center, or
- (C) a community mental health and mental retardation center, administered by a board of trustees appointed pursuant to the Texas Mental Health and Mental Retardation Act (Texas Civil Statutes, Article 5547-201 to 5547-204), offering services which, either alone or in conjunction with other service agencies owned or operated by it or affiliated by contract with such center, provides an effective mental health or mental retardation services program or both to persons residing in its area.

**Confirmation**—The determination by the executive director that client abuse and neglect has occurred.



Department—The Texas Department of Mental Health and Mental Retardation.

Designee—Any person temporarily appointed to fulfill duties and assume the responsibilities of another

Disabled person—A person with a mental, physical, or developmental disability between 18 and 65 years of age

Elderly person—A person 65 years of age or older

Executive director—The head of a community mental health and mental retardation center

Exploitation—The illegal or improper act or process of an employee using the resources of a client for monetary or personal benefit, profit, or gain.

Major physical injury—Any injury determined to be serious by appropriate medical personnel who examine the client. Examples of serious injury include, but are not limited to, the following: death, fracture; dislocation of any joint; internal injury; nonsuperficial contusion; concussion; first, second, or third degree burn; or any laceration requiring sutures.

Minor physical injury—Any injury determined not to be serious by appropriate medical personnel who examine the client. Examples of minor injury include, but are not limited to, the following: superficial laceration, contusion, or abrasion.

Negligence—The doing of something that a person of ordinary prudence would not have done under the same or similar circumstances, or the failure to do something that a person of ordinary prudence would have done under the same or similar circumstances

**§403.554. Client Abuse and Neglect Defined.**

(a) "Class I abuse;" means any act or failure to act done knowingly, recklessly, or intentionally, including incitement to act, which causes or may have caused serious physical injury to a client. Without regard to injury, any sexual activity between an employee, employee of an affiliate, or agent and a client will be considered to be Class I abuse

(b) "Class II abuse" means any act or failure to act done knowingly, recklessly, or intentionally, including incitement to act, which caused or may have caused nonserious physical injury to a client

(c) "Class III abuse" means any use of verbal or other communication to curse, vilify, or degrade a client, or threaten a client with physical or emotional harm, or any act which vilifies, degrades, or threatens a client with physical or emotional harm

(d) "Neglect" means the negligence of any employee, affiliate, or agent which causes or may have caused any physical or emotional injury to a client. Examples of neglect shall include, but are not limited to, failure to carry out a prescribed individual program plan or treatment plan, failure to provide adequate nutrition, clothing, or health care; or failure to provide a safe environment

(e) Client abuse shall not include

(1) proper use of restraints or seclusion, the approved application of behavior modification techniques, or other actions taken in accordance with the written policies and procedures of the center;

(2) such actions as an employee may reasonably believe to be immediately necessary to avoid imminent harm to himself, clients, other persons, or property, if

such actions are limited only to those actions reasonably believed to be necessary under the existing circumstances;

(3) other actions taken in accordance with applicable departmental rules and/or policies and procedures of the community centers.

**§403.555. Administrative Enforcement.** Client abuse or neglect by center employees, employee of affiliates, and agents is prohibited and shall be grounds for disciplinary action. The center shall be responsible for establishing a mechanism for reporting and investigating alleged cases of client abuse and neglect and initiating appropriate disciplinary or other action in confirmed cases of client abuse and neglect. This mechanism shall include at a minimum:

(1) delineation of the responsibility of each employee, affiliate, or agent to promptly report cases of alleged client abuse or neglect to the executive director or his or her designee;

(2) procedures for the executive director or his or her designee to promptly and objectively investigate each alleged case of client abuse or neglect;

(3) provisions for reporting alleged cases of client abuse and neglect in accordance with any appropriate laws, as follows:

(A) criminal acts to law enforcement agencies. When the executive director has no reason to believe, after appropriate investigation, that any client abuse-related crime has been committed, the executive director shall report the occurrence to local law enforcement agencies

(B) child abuse to the Texas Department of Human Resources. If the executive director believes that a child has been or may be adversely affected by abuse and/or neglect (whether or not by center employees), the executive director or his or her designee shall make a report as required by the Texas Family Code, §34.01 and §34.02, as amended, when appropriate. Initial verbal reports can be made to the Texas Department of Human Resources child abuse hotline, (800) 252-5400, or the local Texas Department of Human Resources field office. A final report concerning the completed investigation of the alleged abuse or neglect will be sent to the Texas Department of Human Resources

(C) abuse, neglect, or exploitation of an elderly or disabled client to the Texas Department of Human Resources. When the executive director has reason to believe that an elderly or disabled client is in or has been in a state of abuse, exploitation, or neglect, the executive director shall make a report to the Texas Department of Human Resources as required by the Human Resources Code, §48.036. During normal working hours, the report should be made to the local DHR Adult Protective Services Office. At night and on weekends, the executive director should call the toll free number, (800) 252-5400;

(4) procedures for implementing prompt, proper, and sufficient disciplinary action when charge of client abuse or neglect is substantiated, based on criteria including, but not limited to

(A) the seriousness of the client abuse and/or neglect,

(B) the circumstances surrounding the event,

(C) the employee's record,

(5) procedures to be followed if it is determined that a client is responsible for abuse of another client;

(6) provisions for preparation of a written report of findings and action taken. The report of the investigation and action taken shall be maintained for a period of five years and shall be made available to the department at the request of the commissioner or his or her designee (See Exhibit A, which is adopted by reference and may be obtained from the Texas Department of Mental Health and Mental Retardation central office, P.O. Box 12668, Austin, Texas 78711.).

**§403.556. Training in Prevention of Client Abuse and/or Neglect**

(a) Within 60 days after the effective date of these rules, all current employees shall be oriented to the contents of these rules by the executive director or by his or her designee. Acknowledgement of this instruction shall be certified by the employee and filed in his or her personnel file.

(b) Documentation shall be maintained and updated for all employees, affiliates, and agents receiving such training.

(c) All current employees in frequent, direct contact with clients shall receive appropriate instructions on the prevention and management of aggressive behavior. Documentation shall be maintained and updated for employees receiving such instruction.

**§403.557. References.** Reference is made to the following statutes, rules of the department, and attorney general opinions:

- (1) Texas Civil Statutes, Article 5547-201;
- (2) Texas Civil Statutes, Article 5547-202, §2.12;
- (3) Texas Civil Statutes, Article 5547-204;
- (4) Texas Civil Statutes, Article 5547-87;
- (5) Texas Civil Statutes, Article 695c-2, §9;
- (6) Texas Penal Code, Chapter 19 and Chapter 21, §§22.01, 22.02, 22.04, 22.05, 22.07, 22.08, 22.10;
- (7) Texas Family Code, §§11.01, 34.01, and 34.02;
- (8) Human Resources Code, Title 2, Chapter 25;
- (9) Human Resources Code, Chapter 48;
- (10) Attorney General Opinions H-237 (1974), H-986 (1977), and H-494 (1975);
- (11) Texas Civil Statutes, Article 5547-300.

**§403.558. Distribution.**

(a) The provisions of this subchapter shall be distributed to:

- (1) members of the Texas Board of Mental Health and Mental Retardation;
- (2) deputy commissioners and directors of central office;
- (3) superintendents and directors of all Texas Department of Mental Health and Mental Retardation (TDMHMR) facilities;
- (4) chairpersons of the boards of trustees of community mental health and mental retardation centers;
- (5) directors of community mental health and mental retardation centers;
- (6) the Texas Association for Retarded Citizens;
- (7) the Texas Association on Mental Deficiency;
- (8) the Parent Association for the Retarded of Texas;
- (9) the Texas Association for Mental Health;
- (10) the attorney general of Texas;

- (11) the Governor's Office of Youth Care Investigation;
- (12) the Texas Department of Health;
- (13) the Texas Department of Human Resources;
- (14) the Texas Youth Council; and
- (15) the Alliance for Mental Recovery.

(b) The director of each community mental health and mental retardation center shall be responsible for duplicating and disseminating copies of this subchapter to:

- (1) appropriate staff, and
- (2) any client, employee, or other person desiring a copy.

(c) The director of each community mental health and mental retardation center shall be responsible for insuring that all employees have access to a copy of this rule.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 15, 1984.

TRD-843081

Gary E. Miller, M.D.  
Commissioner  
Texas Department of Mental  
Health and Mental Retardation

Earliest possible date of adoption

April 23, 1984

For further information, please call (512) 465-4670.



**Chapter 405. Client (Patient) Care  
Subchapter CC. Standards of the Texas  
Department of Mental Health and  
Mental Retardation Facilities and  
Centers**

25 TAC §§405.731-405.740

The Texas Department of Mental Health and Mental Retardation (TDMHMR) proposes new §§405.731-405.740, concerning standards of the TDMHMR facilities and centers.

The new subchapter formalizes the department's commitment to quality of care for all clients on a statewide

basis by drawing into the department's network of quality assurance the state's 31 community centers. The rules represent a significant effort to simplify and consolidate the department's written policies and procedures. The concepts contained in these rules represent the concepts that were formerly imbedded in four subchapters, all of which have been or will be repealed.

The subchapter was reviewed in draft form by key staff of facilities and centers throughout the state and incorporates many of their comments

Sue Dillard, Office of Standards and Quality Assurance director, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local governments or small businesses as a result of enforcing or administering the rules

Ms. Dillard has also determined that for each year of the first five years the rules are in effect the public benefit will be the improvement in quality of care afforded clients of TDMHMR facilities and community centers. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed

Comments on the proposal may be submitted to Linda Logan, Rules Coordinator, TDMHMR, P O Box 12668, Austin, Texas 78711, within 30 days of publication

The new sections are proposed under Texas Civil Statutes, Article 5547-202, §2 11(b), which provide the commissioner with the authority to promulgate rules of the department subject to the basic and general policies formulated by the Texas Board of Mental Health and Mental Retardation

**§405.731. Purpose.** The purpose of this subchapter is to designate the official standards of client services to be pursued by the facilities of the Texas Department of Mental Health and Mental Retardation and community mental health and mental retardation centers.

**§405.732. Application** The provisions of this subchapter apply to all facilities of the Texas Department of Mental Health and Mental Retardation and community mental health and mental retardation centers established pursuant to Texas Civil Statutes, Article 5547-203.

**§405.733. Definitions** The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

**Accreditation**—The state of being publicly or officially sanctioned as conforming to prescribed or desirable standards.

**Center**—A community center for mental health and mental retardation services established pursuant to Texas Civil Statutes, Article 5547-203

**Facility**—Any hospital, state school for the mentally retarded, state center, research institute, or other institution of the Texas Department of Mental Health and Mental Retardation or any organizational entity that may be hereafter made a part of the department.

**Governing body**—The Texas Board of Mental Health and Mental Retardation.

**Plan of correction**—Written response to internal or external quality assurance surveys which states the specific actions taken or planned to correct deficiencies, the person responsible for corrective action, and the anticipated date for compliance.

**PSRO**—Professional standard review organizations.

**Quality assurance**—The overall goal of ensuring the provision of optimal client services. Movement toward this goal is a continuous process involving measurement of the level of client care relative to norms, criteria, or standards, and taking corrective action to eliminate identified deficiencies.

**§405.734. Scope** The Texas Department of Mental Health and Mental Retardation assumes responsibility for:

(1) pursuing high quality of client service and improvement in the level of service of the facilities and programs affecting clients through an integrated quality assurance program;

(2) assuring highest quality client service delivered in community mental health and community mental retardation centers through performance contracting and standards compliance monitoring;

(3) providing for the establishment of a safe living environment for clients, safe working environment for staff, and reasonable safety for visitors to facilities/centers;

(4) achieving facility and center compliance with applicable regulations (i.e., local, state, and federal statutes; and rules of the department);

(5) providing evidence (e.g., accreditation, certification, delegated review status, summary data from quality of care reviews and utilization reviews, and documentation of service improvement resulting from quality assurance activities) to consumers and funding agencies of an effort to deliver an optimal level of service to all facility and center clients;

(6) actively pursuing compliance with court agreements concerning client services;

(7) providing program and services evaluation on a systematic basis for all client services at TDMHMR facilities;

(8) cooperating with the designated Texas PSRO agency to achieve the highest review evaluation possible for each facility.

**§405.735. Standards of Care.** The Texas Department of Mental Health and Mental Retardation embraces the current edition of the following standards as integral to quality client services in facilities and centers:

(1) Joint Commission on Accreditation of Hospitals (JCAH) standards—standards contained in JCAH's Consolidated Standards for Child, Adolescent, and Adult Psychiatric, Alcoholism, and Drug Abuse Facilities or Accreditation Manual for Hospitals (when applicable) for mental health facilities.

(2) Medicare standards—federal standards governing conditions of participation for hospitals serving Title XVIII clients in mental health facilities, as contained in 42 Code of Federal Regulations 405, Subpart J.

(3) National Fire Protection Association (NFPA) standards—standards contained in the NFPA's Life Safety Code.

(4) Rehabilitation Act of 1973, §504—federal standards for rights of the handicapped.

(5) Medicaid standards—standards governing intermediate care facilities for the mentally retarded or persons with related conditions (ICF-MR), codified in 42 Code of Federal Regulations 442, Subpart G, (priority one); and AC/MRDD standards—standards of the Accreditation Council for the Mentally Retarded and Other Developmentally Disabled Persons (AC/MRDD) for mental retardation facilities, as contained in Standards for Services for Developmentally Disabled Individuals (priority two).

(6) Texas Department of Mental Health and Mental Retardation Principles and Standards for Community Mental Health and Mental Retardation Centers—state standards for centers.

(7) Texas Education Agency Policy and Administrative Guide for the Education of Handicapped Students—Title I education standards

**§405.736. Governing Body** Except as delegated in facility/center policy manuals and position descriptions, the governing body assumes responsibility for the department's standards and quality assurance program. Through the departmental planning and budgeting process, the governing body establishes, maintains, and supports an ongoing quality assurance program. The governing body receives reports of program reviews, accreditation surveys, plans of correction, and other pertinent standards and quality assurance findings as necessary. Boards of trustees for community mental health and mental retardation centers assume governing body responsibilities as necessary in their accreditation processes.

**§405.737. Director of Standards and Quality Assurance.** Each facility and center will designate or appoint a director of standards and quality assurance on its staff to plan, monitor, implement, and evaluate compliance with applicable regulations and standards. This individual will be responsible directly to the facility/center head and maintain regular liaison with the department's Office of Standards and Quality Assurance. Depending on the demands for standards and quality assurance, the designated individual may be assisted by other standards and quality assurance staff or a consultant, or may only serve part time in this capacity. If in the latter case the designated quality assurance director also would have charge of programs which he or she would review and monitor, the superintendent or director will seek a waiver from the commissioner prior to appointment.

**§405.738. Program Reviews.** Under the coordination of the Office of Standards and Quality Assurance, regular reviews will be conducted of all client service programs performed by department facilities and community mental health and mental retardation centers. These reviews will be aimed toward achieving the goals specified in this subchapter through an on-site interview and observation process followed by a written report, a plan of correction, and implementation of corrective actions by the facility/center.

**§405.739. References.** Reference is made to the following statutes, standards, and rules of the department:

(1) 42 Code of Federal Regulations 405, Subpart J (Medicare standards for psychiatric hospitals);

(2) 42 Code of Federal Regulations 442, Subpart G (Medicaid standards for ICF-MR services);

(3) Rehabilitation Act of 1973 (Public Law 93-112, §504);

(4) Texas Mental Health and Mental Retardation Act (Texas Civil Statutes, Article 5547-201 *et seq.*);

(5) Mentally Retarded Persons Act (Texas Civil Statutes, Article 5547-300),

(6) Texas Mental Health Code (Texas Civil Statutes, Article 5547-1 *et seq.*);

(7) Texas Administrative Code, Title 25, Chapters 401-407;

(8) Directive 11, relating to Standards and Quality Assurance, Texas Department of Mental Health and Mental Retardation;

(9) Principles and Standards for Community Mental Health and Mental Retardation Centers in Texas, Texas Department of Mental Health and Mental Retardation, 1981;

(10) Policy and Administrative Guide for the Education of Handicapped Students (ADO-871-01), Texas Education Agency,

(11) Consolidated Standards for Child, Adolescent, and Adult Psychiatric, Alcoholism, and Drug Abuse Facilities, Joint Commission on the Accreditation of Hospitals, 1983;

(12) Principles for Accreditation of Community Mental Health Service Programs, Joint Commission on the Accreditation of Hospitals, 1981,

(13) Accreditation Manual for Hospitals, Joint Commission on the Accreditation of Hospitals, 1983;

(14) Standards for Services for Developmentally Disabled Individuals, Accreditation Council for the Mentally Retarded and Other Developmentally Disabled Individuals, 1981,

(15) Life Safety Code, Pamphlet 101, National Fire Protection Association, 1981

**§405.740. Distribution**

(a) Provisions of this subchapter shall be distributed to members of the Texas Board of Mental Health and Mental Retardation; deputy commissioners and directors of central office; and superintendents and directors of all TDMHMR facilities and community centers.

(b) The superintendent or director of each facility and center shall disseminate the information contained herein to all appropriate staff members and board members.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 15, 1984

TRD-843082

Gary E. Miller, M.D.

Commissioner

Texas Department of Mental

Health and Mental Retardation

Earliest possible date of adoption

April 23, 1984

For further information, please call (512) 465-4670.



and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4862.

The repeal is proposed under the Texas Parks and Wildlife Code, Chapter 61, which provides the commission with the authority to regulate the means, methods, manners, and places in which it is lawful to take or possess wildlife resources.

§57.171. *Types of Baits.*

§57.172. *Other Types.*

§57.173. *Procedures.*

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 15, 1984.

TRD-843076      Maurine Ray  
Administrative Assistant  
Texas Parks and Wildlife  
Department

Earliest possible date of adoption.

April 23, 1984

For further information, please call (512) 479-4862  
or (800) 792-1112

## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### Part II. Texas Parks and Wildlife Department

#### Chapter 57. Fisheries

##### Baits on Saltwater Trotline

31 TAC §§57.171-57.173

*(Editor's note The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin )*

The Texas Parks and Wildlife Commission proposes the repeal of §§57 171-57 173, concerning baits on saltwater trotlines The regulations promulgated under this proclamation are in the Statewide Hunting and Fishing Proclamation as §65.73(b)(8) and are, therefore, duplicative and unnecessary.

Jim Dickinson, finance director, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeal

Mr Dickinson also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is increased awareness of the rules through the simplification of regulations regarding the use of bait on saltwater trotlines There is no anticipated economic cost to individuals as a result of the repeal

Comments on the proposal may be submitted to Dr. Gary Saul, Director of Finfish Programs, Texas Parks

### Subchapter M. Red Drum Commercial Harvest Quota

31 TAC §65.281

*(Editor's note. The text of the following section being proposed for repeal will not be published. The section may be examined in the offices of the Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)*

The Texas Parks and Wildlife Commission proposes the repeal of §65 281, concerning the red drum commercial harvest quota, which specifies the annual commercial harvest quota for taking red drum for sale from each of the eight major bay systems and the Texas waters of the Gulf of Mexico. The authorizing statutes, Texas Parks and Wildlife Code, Chapter 61, Subchapter C-1, were repealed by the 67th Legislature and thus make this proclamation unnecessary.

Jim Dickinson, finance director, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeal

Mr. Dickinson also has determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of the repeal is simplification of regulations by removing unnecessary language There is no anticipated economic cost to individuals as a result of the repeal

Comments on the proposal may be submitted to Dr. Gary Saul, Finfish Programs Director, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4862.

The repeal is proposed under the Texas Parks and Wildlife Code, Chapter 61, which provides the commission with the authority to manage wildlife resources.

**§65.281. Commercial Red Drum Quota.**

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 15, 1984.

TRD-843077      Maurine Ray  
                         Administrative Assistant  
                         Texas Parks and Wildlife  
                         Department

Earliest possible date of adoption  
April 23, 1984  
For further information, please call (512)479-4862,  
or (800) 792-1112

**TITLE 40. SOCIAL SERVICES AND ASSISTANCE**  
**Part I. Texas Department of Human Resources**  
**Chapter 9. Food Stamps**  
**Subchapter OO. Definition of Income**  
**40 TAC §§9.4002-9.4024**

*(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the office of the Texas Department of Human Resources, 706 Banister Lane, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.*

The Texas Department of Human Resources (DHR) proposes the repeal of §§9.4002-9.4024, concerning Food Stamp Program rules about eligibility based on income, countable income, excludable income, and deductions. The DHR is proposing the repeal of these rules because they contain duplications of internal operating procedures about existing §9.4001

David Hawes, programs budget and statistics director, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeal.

Mr. Hawes has also determined that for each year of the first five years the repeal as proposed is in effect the public benefit will be clearer and more concise rules about income, exclusions, and deductions DHR considers in determining eligibility of people applying for food stamps. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be sent to Cathy Rossberg, Acting Administrator, Policy Development Support Division—120, Texas Department of Human Resources, 153-B, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this Register.

The repeal is proposed under the Human Resources Code, Title 2, Chapter 22 and Chapter 33, which authorizes the department to administer public assistance programs.

- §9.4002. *Income Eligibility Test.*
- §9.4003. *Included as Income.*
- §9.4004. *In-Kind Income.*
- §9.4005. *Vendor Payments.*
- §9.4006. *Irregular Income.*
- §9.4007. *Deferred Loans.*
- §9.4008. *Other Loans.*
- §9.4009. *Reimbursements.*
- §9.4010. *Third-Party Funds.*
- §9.4011. *Earnings of a Child.*
- §9.4012. *Nonrecurring Lump Sum Payments.*
- §9.4013. *Self-Employment Costs.*
- §9.4014. *Relocation Assistance.*
- §9.4015. *Domestic Volunteer Service Act.*
- §9.4016. *Community Services Administration.*
- §9.4017. *Youth Programs*
- §9.4018. *Native and Indian Claims.*
- §9.4019. *Other Excluded Income.*
- §9.4020. *Standard Deduction.*
- §9.4021. *Earned Income Deduction.*
- §9.4022. *Dependent Care Deduction.*
- §9.4023. *Shelter Costs*
- §9.4024. *Shelter Cost of Unoccupied Home.*

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt

Issued in Austin, Texas, on March 16, 1984

TRD-843148      Marlin W Johnston  
                         Commissioner  
                         Texas Department of Human  
                         Resources

Earliest possible date of adoption  
April 23, 1984  
For further information, please call (512) 441-3355,  
ext 2037.

An agency may withdraw proposed action or the remaining effectiveness of emergency action on a rule by filing a notice of withdrawal with the *Texas Register*. The notice is generally effective immediately upon filing with the *Register*.

If a proposal is not adopted or withdrawn within six months after the date of publication in the *Register*, it will automatically be withdrawn by the *Texas Register*. Notice of the withdrawal will appear in the next regularly scheduled issue of the *Register*. The effective date of the automatic withdrawal will appear immediately following the published notice

No further action may be taken on a proposal which has been automatically withdrawn. However, this does not preclude a new proposal of an identical or similar rule following normal rulemaking procedures

# Withdrawn Rules

## TITLE 25. HEALTH SERVICES Part I. Texas Department of Health Chapter 157. Emergency Medical Care

### Emergency Medical Services

25 TAC §§157.61-157.75

The Texas Department of Health has withdrawn from consideration for permanent adoption proposed new

§§157.61-157.75, concerning emergency medical services. The text of the new sections as proposed appeared in the December 23, 1983, issue of the *Texas Register* (8 TexReg 5398)

Issued in Austin, Texas, on March 12, 1984.

TRD-843019

Dan LaFleur  
Liaison Officer  
Texas Department of Health

Filed. March 14, 1984

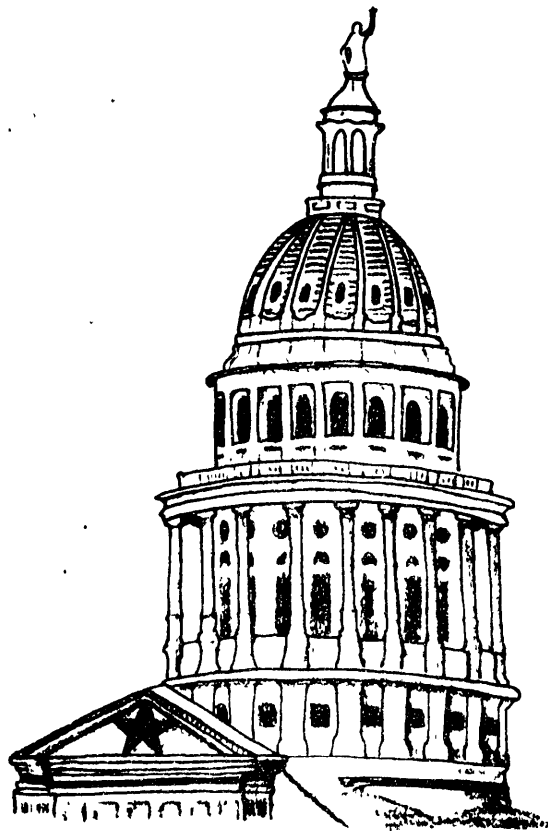
For further information, please call (512) 458-7236.

# Adopted Rules

An agency may take final action on a rule 30 days after a proposal has been published in the *Register*. The rule becomes effective 20 days after the agency files the correct document with the *Texas Register*, unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice.

The document, as published in the *Register*, must indicate whether the rule is adopted with or without changes to the proposal. The notice must also include paragraphs which explain the legal justification for the rule; how the rule will function, contain comments received on the proposal, list parties submitting comments for and against the rule; explain why the agency disagreed with suggested changes; and contain the agency's interpretation of the statute under which the rule was adopted.

If an agency adopts the rule without any changes to the proposed text, only the preamble of the notice and statement of legal authority will be published. The text of the rule, as appropriate, will be published only if final action is taken with alterations to the proposal. The certification information, following the submission, contains the effective date of the final action, the proposal's publication date, and a telephone number to call for further information.



## TITLE 1. ADMINISTRATION Part IV. Office of the Secretary of State

### Chapter 81. Elections Campaign Reporting and Disclosure

1 TAC §§81 165-81 168

The Office of the Secretary of State adopts the repeal of §§81 165-81 168, without changes to the proposal published in the October 7, 1983, issue of the *Texas Register* (8 TexReg 3945)

The repeal is necessary to facilitate compliance with changes in the campaign funds reporting and disclosure laws resulting from House Bill 2154, 68th Legislature, 1983

Sections 81 165-81 168 have been superseded by §81.163, which provides current guidance regarding the Texas Election Code, Chapter 14, in practical form by incorporating amended requirements enacted by the 68th Legislature

No comments were received regarding adoption of the repeal

The repeal is adopted under the Texas Election Code, Article 1.03 and Article 14 13, which provides the secretary of state with the authority of the responsibility as chief elections officer of the state to interpret



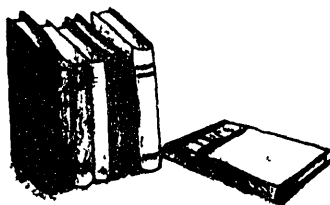
and issue written directives relating to and based upon the election laws

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 15, 1984.

TRD-843059      C Ed Davis  
Assistant Secretary of State  
Office of the Secretary of State

Effective date April 5, 1984  
Proposal publication date October 7, 1983  
For further information, please call (512) 475-2015.



## **TITLE 22. EXAMINING BOARDS Part IV. Texas Cosmetology Commission**

### **Chapter 89. General Provisions**

**22 TAC §§89.6, 89.11, 89.21, 89.23, 89.26,  
89.36, 89.40**

The Texas Cosmetology Commission adopts amendments to §§89.6, 89.11, 89.21, 89.23, 89.26, 89.36, and 89.40, without changes to the proposed text published in the February 17, 1984, issue of the *Texas Register* (9 TexReg 969)

The sections deal with the guidelines a cosmetology school must follow to maintain licensure and avoid violation

The amendments as adopted clarify the language of the statutes and aid in the avoidance of confusion.

No comments were received regarding adoption of the amendments

The amendments are adopted under Texas Civil Statutes, Article 8451a, §4, which give the Texas Cosmetology Commission the authority to promulgate rules.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 17, 1984

TRD-843084      Herbert E Cohen  
Executive Director  
Texas Cosmetology Commission

Effective date April 6, 1984  
Proposal publication date February 17, 1984  
For further information, please call (512) 475-3304.

### **22 TAC §89.24**

The Texas Cosmetology Commission adopts the repeal of §89.24, without changes to the proposal published in the February 17, 1984, issue of the *Texas Register* (9 TexReg 970).

This repeal deals with expired licenses. Texas Civil Statutes, Article 8451a, §33(f), speaks to this subject in a more specific manner.

The repeal of this section aids in saving confusion due to misinterpretations.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 8451a, §4, which give the Texas Cosmetology Commission the authority to adopt this section.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 17, 1984

TRD-843086      Herbert E Cohen  
Executive Director  
Texas Cosmetology Commission

Effective date April 6, 1984  
Proposal publication date February 17, 1984  
For further information, please call (512) 475-3304.

The Texas Cosmetology Commission adopts new §89.24, without changes to the proposed text published in the February 17, 1984, issue of the *Texas Register* (9 TexReg 970).

This new section deals with the denial of student hours and covers the reasons for denial of student hours.

The new section clarifies the language of the statutes and aids in avoiding confusion

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 8451a, §4, which give the Texas Cosmetology Commission the authority to promulgate rules.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 17, 1984

TRD-843085      Herbert E Cohen  
Executive Director  
Texas Cosmetology Commission

Effective date April 6, 1984  
Proposal publication date February 17, 1984  
For further information, please call (512) 475-3304.

**TITLE 25. HEALTH SERVICES  
Part I. Texas Department of Health  
Chapter 145. Long-Term Care  
Subchapter A. Federal Laws and  
Regulations Covering Long-Term  
Care Facilities**

**25 TAC §145.2**

The Texas Department of Health adopts amendments to §145.2, concerning federal regulations, which have been adopted by reference, covering nursing and convalescent homes.

The department is required by law to follow these federal regulations in certifying nursing homes for participation in the federal Medicaid and Medicare Programs. Therefore, since the federal regulations have been revised or updated, the department needs to adopt these changes under federal mandate

The section replaces the existing federal regulations adopted by reference with the revised and updated version.

These amendments are adopted under Texas Civil Statutes, Article 4414b, §1.05(4), which authorize the Texas Board of Health to adopt rules to carry out every duty imposed on the department, and under authority of the federal requirements in 42 Code of Federal Regulations §§431.610, 442.101, and 442.105

**§145.2. Federal Regulations Covering Long-Term Care Facilities.**

(a) The Texas Department of Health adopts by reference the federal regulations contained in 42 Code of Federal Regulations Parts 400-489, revised October 1, 1982.

(b) Copies of these regulations are indexed and filed in the Bureau of Long-Term Care, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, and are available for public inspection during normal business hours.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 13, 1984

TRD-842955 Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Effective date: October 1, 1982  
Proposal publication date: N/A  
For further information, please call (512) 458-7706.



**Part II. Texas Department of  
Mental Health and Mental  
Retardation  
Chapter 405. Client (Patient) Care  
Subchapter M. Mail Opening Procedures  
25 TAC §§405.305-405.308, 405.310,  
405.311**

The Texas Department of Mental Health and Mental Retardation adopts the repeal of §§405.305-405.308, 405.310, and 405.311, without changes to the proposal published in the December 20, 1983, issue of the *Texas Register* (8 TexReg 5335). The repeal of §§405.305-405.308, 405.310, and 405.311 is adopted contemporaneously with the adoption of new §407.5, which incorporates the provisions into the department's rules governing standard operating procedures.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 5547-202, §2 11, which provide the commissioner with the authority to promulgate rules of the department subject to the basic and general policies formulated by the Texas Board of Mental Health and Mental Retardation.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 14, 1984

TRD-842980 Gary E. Miller, M.D.  
Commissioner  
Texas Department of Mental  
Health and Mental Retardation

Effective date: April 4, 1984  
Proposal publication date: December 20, 1983  
For further information, please call (512) 465-4670.

**Chapter 407. Internal Facilities  
Management  
Standard Operating Procedure**

**25 TAC §§407.2-407.4**

The Texas Department of Mental Health and Mental Retardation adopts amendments to §§407.2-407.4, without changes to the proposed text published in the December 20, 1983, issue of the *Texas Register* (8 TexReg 5336)

The sections are amended to reflect current terminology and titles. The amendments add a requirement that each facility maintain a register of investments. The amendments also add interest from benefit funds to the list of sources for benefit funds

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 5547-202, §2.11(b), which provide the commissioner with the authority to promulgate rules of the department subject to the basic and general policies formulated by the Texas Board of Mental Health and Mental Retardation

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 14, 1984

TRD-842979 Gary E. Miller, M.D.  
Commissioner  
Texas Department of Mental  
Health and Mental Retardation

Effective date April 4, 1984  
Proposal publication date December 20, 1983  
For further information, please call (512) 465-4670.

## 25 TAC §407.5

The Texas Department of Mental Health and Mental Retardation adopts the repeal of §407.5, without changes to the proposal published in the December 20, 1983, issue of the *Texas Register* (8 TexReg 5338).

The repeal deletes provisions contained elsewhere in the department's rules and directives.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 5547-202, §2.11(b), which provide the commissioner with the authority to promulgate rules of the department subject to the basic and general policies formulated by the Texas Board of Mental Health and Mental Retardation.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 14, 1984.

TRD-842981 Gary E. Miller, M.D.  
Commissioner  
Texas Department of Mental  
Health and Mental Retardation

Effective date April 4, 1984  
Proposal publication date December 20, 1983  
For further information, please call (512) 465-4670.

The Texas Department of Mental Health and Mental Retardation adopts new §407.5, without changes to the proposed text published in the December 20, 1983, issue of the *Texas Register* (8 TexReg 5338).

The new section is adopted concurrently with the repeal of the same provisions in Chapter 405, Subchapter M, concerning mail opening procedures. The department is reorganizing its rules governing mail

opening into areas of standard operating procedures and client rights. The new section is also adopted concurrently with the repeal of §407.5, concerning chaplaincy programs and other citizen group projects.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 5547-202, §2.11(b), which provide the commissioner with the authority to promulgate rules of the department subject to the basic and general policies formulated by the Texas Board of Mental Health and Mental Retardation.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 14, 1984.

TRD-842977 Gary E. Miller, M.D.  
Commissioner  
Texas Department of Mental  
Health and Mental Retardation

Effective date: April 4, 1984  
Proposal publication date: December 20, 1983  
For further information, please call (512) 465-4670.

## Accounting

### 25 TAC §§407.21-407.23

The Texas Department of Mental Health and Mental Retardation adopts amendments to §§407.21-407.23, without changes to the proposed text published in the December 20, 1983, issue of the *Texas Register* (8 TexReg 5336).

The sections are amended to reflect current terminology, titles, and references, and to improve procedures for processing cash received for clients, making purchases for clients, and disbursing cash or canteen merchandise coupons to clients. Procedures were added for handling revenues from vending machines and pay phones.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 5547-202, §2.11(b), which provide the commissioner with the authority to promulgate rules of the department subject to the basic and general policies formulated by the Texas Board of Mental Health and Mental Retardation.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 14, 1984

TRD-842978 Gary E. Miller, M.D.  
Commissioner  
Texas Department of Mental  
Health and Mental Retardation

Effective date: April 14, 1984  
Proposal publication date: December 20, 1983  
For further information, please call (512) 465-4670.

**TITLE 31. NATURAL RESOURCES  
AND CONSERVATION**

**Part II. Texas Parks and Wildlife  
Department**

**Chapter 59. Parks**

**Park Entrance and Park User Fees**

**31 TAC §59.3, §59.4**

The Texas Parks and Wildlife Commission adopts amendments to §59.3 and §59.4, without changes to the proposed text published in the December 13, 1983, issue of the *Texas Register* (8 TexReg 5170)

The amendments give the department authority to maintain a user fee schedule that provides an adequate and reasonable monetary return based on the operating expenses necessary to provide services and accommodations. The amendments also give authority for refunding reservation fees and deposits when a cancellation notice is given.

The Texas Parks and Wildlife Commission will review user fee schedules from time to time to determine their feasibility in accordance with current economic factors effecting the costs of providing services and any other factors deemed significant. Reservation fees for camping and overnight lodging will be refunded when a 72-hour cancellation notice is given. Reservation deposits for train tickets at the Texas State Railroad Historical Park will be refunded with a 24-hour cancellation notice.

No comments were received regarding adoption of the amendments

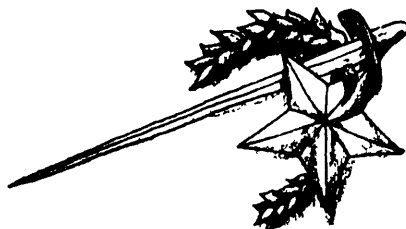
The amendments are adopted under The Texas Parks and Wildlife Code, Chapter 13, Subchapter A, which provides the Texas Parks and Wildlife Commission with the authority to operate or grant concessions in state parks

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 15, 1984

TRD-843078      Maurine Ray  
Administrative Assistant  
Texas Parks and Wildlife  
Department

Effective date    May 1, 1984  
Proposal publication date    December 13, 1983  
For further information, please call (512) 479-4892.



**TITLE 34. PUBLIC FINANCE  
Part I. Comptroller of Public  
Accounts**

**Chapter 3. Tax Administration**

**Subchapter B. Minerals Tax Division—  
Natural Gas Taxes**

**34 TAC §3.16**

The Comptroller of Public Accounts adopts the repeal of §3.16, concerning due date for reports and payments, without changes to the proposal published in the January 13, 1984, issue of the *Texas Register* (9 TexReg 324). The new section is necessitated by the enactment of Senate Bill 988, 68th Legislature, 1983, which provides for prepayment of gas production tax in August of each odd-numbered calendar year.

No comments were received regarding adoption of the repeal

The repeal is adopted under the authority of the Texas Tax Code, §111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the enforcement and administration of the Code.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 19, 1984

TRD-843139      Bob Bullock  
Comptroller of Public Accounts

Effective date    April 6, 1984  
Proposal publication date    January 13, 1984  
For further information, please call (512) 475-3341.

The Comptroller of Public Accounts adopts new §3.16, concerning due date for reports and payments, without changes to the proposed text published in the January 13, 1984, issue of the *Texas Register* (9 TexReg 324)

The purpose of the new section is to implement the provisions of Senate Bill 988, 68th Legislature, 1983, effective September 1, 1983. That act requires that an estimated payment be made by August 15 for production of gas in July of each odd-numbered calendar year and provides penalties for failure to make this payment. It does not change the due date for other reports and payments. The comptroller's present rule extends the due date for reports and payments. The comptroller's present rule extends the due date for reports and payments for gas production tax from the last day of the month after the month for which the report is made to the 20th day of the second month after the month for which the report is made. This extension is continued in effect except for the periods for which an estimated payment is required.

One comment was received on the proposed new section. The writer stated that the legislation and new

section impose an onerous burden on taxpayers and the comptroller's office. Taxpayers would be required to file additional reports and might be forced to borrow money to pay the tax on gas not yet sold. The comptroller will have additional problems receiving, auditing, and accounting for these funds. Joseph P. Mueller commented against the rule. The agency disagrees with the comments because this change is a result of legislation passed during the last legislative session. The repeal and new section merely reflect that change.

This new section is adopted under authority of the Texas Tax Code, § 111.002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the enforcement and administration of the Code.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 19, 1984

TRD-843140      Bob Bullock  
Comptroller of Public Accounts

Effective date April 6, 1984  
Proposal publication date January 13, 1984  
For further information, please call (512) 475-3341.

**TITLE 37. PUBLIC SAFETY AND  
CORRECTIONS**  
**Part I. Texas Department of  
Public Safety**  
**Chapter 19. Breath Alcohol Testing  
Regulations**  
**Breath Alcohol Testing Regulations**  
**37 TAC §§ 19.1-19.6**

The Texas Department of Public Safety adopts amendments to §§ 19.1-19.6, without changes to the proposed text published in the February 10, 1984, issue of the *Texas Register* (9 TexReg 809).

The amendments are necessary to ensure that the breath regulations conform to the language, and comply with the intent, of the revised driving while intoxicated (DWI) statute.

The amendments revise language so the regulations will be consistent with and comply with the language of amended DWI statutes effective January 1, 1984, and Department of Transportation guidelines. Any reference to chemical test is changed to breath alcohol test. Other revisions clarify the language on inactivation procedures and the change from the issuance of an annual certificate in lieu of the use of a returnable certificate.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 67011-5, as amended, which authorize the Texas Department of Public Safety to establish rules approving satisfactory techniques or methods of conducting a valid analysis of a person's breath for alcohol, and to ascertain the qualifications and competence of individuals to conduct such analysis and to issue certifications attesting to such fact.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 13, 1984

TRD-843006      James B. Adams  
Director  
Texas Department of Public  
Safety

Effective date April 4, 1984  
Proposal publication date February 10, 1984  
For further information, please call (512) 465-2000.

**TITLE 40. SOCIAL SERVICES AND  
ASSISTANCE**

**Part I. Texas Department of  
Human Resources**

**Chapter 73. Civil Rights**  
**Subchapter OO. Administrative  
Disqualification Hearings**

**40 TAC §§ 73.4002, 73.4004, 73.4007,  
73.4009**

The Texas Department of Human Resources adopts the repeal of §§ 73.4002, 73.4004, 73.4007, and 73.4009, without changes to the proposed text published in the January 6, 1984, issue of the *Texas Register* (9 TexReg 174). The repeals concern administrative disqualification hearings for intentional program violation of the Food Stamp Program. The rules are repealed to delete internal procedures.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 15, 1984

TRD-843026      Marlin W. Johnston  
Commissioner  
Texas Department of Human  
Resources

Effective date April 5, 1984  
Proposal publication date January 6, 1984  
For further information, please call (512) 441-3355,  
ext 2037

**Subchapter PP. Hearing Procedure**  
40 TAC §§ 73.4101-73.4103, 73.4107,  
73.4109

The Texas Department of Human Resources adopts amendments to §§ 73.4101-73.4103, 73.4107, and 73.4109, without changes to the proposed text published in the January 6, 1984, issue of the *Texas Register* (9 TexReg 175)

The sections concern procedures in administrative disqualification hearings for intentional program violations of the Food Stamp Program. The amendments delete internal procedures.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 15, 1984

TRD-843027      Marlin W. Johnston  
Commissioner  
Texas Department of Human  
Resources

Effective date April 5, 1984

Proposal publication date January 6, 1984

For further information, please call (512) 441-3355,  
ext 2037.

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**State Board of Insurance Exempt Filings**

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**State Board of Insurance  
Notifications Pursuant to the  
Insurance Code, Chapter 5,  
Subchapter L**

*(Editor's note: As required by the Insurance Code, Article 5.96 and Article 5.97, the Register publishes notices of actions taken by the State Board of Insurance pursuant to Chapter 5, Subchapter L, of the Code. Board action taken under these articles is not subject to the Administrative Procedure and Texas Register Act, and the final actions printed in this section have not been previously published as proposals)*

*These actions become effective 15 days after the date of publication or on a later specified date*

*The text of the material being adopted will not be published, but may be examined in the offices of the State Board of Insurance, 1110 San Jacinto Street, Austin )*

The State Board of Insurance has adopted an amendment to the *Texas Basic Manual of Rules, Classifications, and Rates for Workers' Compensation and Employers' Liability Insurance* (Rule 059 05 55.001) by amending the bylaws, rules, and regulations of the Texas Workers' Compensation Assigned Risk Pool (pool). The amendments to the pool's bylaws, rules, and regulations bring them into compliance with changes in the Insurance Code, Article 5.76, as adopted by the 68th Legislature, 1983. The bylaws, rules, and regulations are formally included in the *Texas Basic Manual of Rules, Classifications, and Rates for Workers' Compensation and Employers' Liability Insurance*. Together, they govern the functioning of and effectuation of coverage through the pool.

The amendments are effective 15 days after they are published in the *Texas Register*.

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on March 16, 1984

TRD-843136      James W. Norman  
Chief Clerk  
State Board of Insurance

Effective date April 8, 1984

For further information, please call (512) 475-2950.

The State Board of Insurance has adopted the National Council on Compensation Insurance proposal to amend Rule V of the *Texas Basic Manual of Rules, Classifications, and Rates for Workers' Compensation and Employers' Liability Insurance* (Rule 059 05 55.001) presented at the January 26, 1984, public hearing. Elimination of the \$300 weekly payroll limitation rule and use of total payroll in premium determination with rate-reducing offsets implemented during the three-year transition period not to influence the overall premium volume is to be effective May 1, 1984. No exception was given to the stevedoring classifications; however, the following classifications will be excluded from use of total payroll

- |   |      |
|---|------|
| (1) Executive Officers (see Rule IV.B.2.3.)   | 8809 |
| (2) Athletic Team or Park Contact Sports  | 9179 |
| (3) Athletic Team or Park Noncontact Sports   | 9178 |
| (4) Carnival, Circus, or Amusement Device Operators—Traveling—All Employees and Drivers | 9186 |

All classifications will be subject to a formula of four times the average weekly wage in Texas, rounded to

the nearest \$100, to be used in determining the maximum payroll in lieu of a stated amount.

Adoption of the total payroll proposal presented by the National Council on Compensation Insurance also results in an amendment to Rule IX, and the Classification Section of the *Texas Basic Manual of Rules, Classifications, and Rates for Workers' Compensation and Employers' Liability Insurance*.

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the require-

ment of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on March 16, 1984.

TRD-843137

James W. Norman  
Chief Clerk  
State Board of Insurance

Effective date: May 1, 1984

For further information, please call (512) 475-2950.



# Open Meetings

Agencies with statewide jurisdiction must give at least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours prior to a scheduled meeting time. Although some notices may be received too late for publication before the meeting is held, all those filed are published in the *Register*. Notices concerning state agencies, colleges, and universities must contain the date, time, and location of the meeting, and an agenda or agenda summary. Published notices concerning county agencies include only the date, time, and location of the meeting. These notices are published alphabetically under the heading "Regional Agencies" according to the date on which they are filed.

Any of the governmental entities named above must have notice of an emergency meeting, or an emergency revision to an agenda, and the reason for such emergency posted for at least two hours before the meeting is convened. Emergency meeting notices filed by all governmental agencies will be published. However, notices of emergency additions or revisions to a regional agency's agenda will not be published since the original agenda for the agency was not published.

All notices are posted on the bulletin board outside the Office of the Secretary of State on the first floor of the East Wing in the State Capitol. These notices may contain more detailed agendas than space allows to be published in the *Register*.

## **Texas Aeronautics Commission**

**Thursday, March 29, 1984, 1:30 p.m.** The Texas Aeronautics Commission will meet in Room 221, Anson Jones Building, 410 East Fifth Street, Austin. According to the agenda summary, the commission will present awards to past commissioners and hear reports of the air carrier administration, staff attorney, aviation facilities development, and the director.

**Contact:** Thomas Butler, P O Box 12607, Austin, Texas 78711, (512) 476-9262.

**Filed:** March 16, 1984, 2:17 p.m.  
TRD-843138

## **State Banking Board**

**Friday, March 16, 1984, 6:30 p.m.** The State Banking Board met in emergency session at 2601 North Lamar Boulevard, Austin. According to the agenda, the board considered a charter application to purchase some of the assets and assume some of the deposits and other liabilities of a failed commercial bank. The emergency status was necessary to charter a successor bank im-

mediately and avoid irreparable harm to the depositors of the failed bank.

**Contact:** Archie P. Clayton III, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 476-4451

**Filed:** March 16, 1984, 4:11 p.m.  
TRD-843154

## **State Board of Barber Examiners**

**Tuesday, April 3, 1984, 8 a.m.** The State Board of Barber Examiners will meet in Suite C-275, 1300 East Anderson Lane, Austin. According to the agenda, the board will consider previous minutes and letters and reports to the board by the executive director; sign teacher certificates and school permits; interview out-of-state applicants; and repeal 22 TAC §51.53(d), concerning out-of-state applicant failure to appear for examination. The board will also meet in executive session.

**Contact:** Jo King McCrorey, 1300 East Anderson Lane, C-275, Austin, Texas 78752, (512) 835-2040

**Filed:** March 16, 1984, 2:18 p.m.  
TRD-843141

## **Texas Department of Corrections**

**Monday, March 26, 1984, 11 a.m.** The board of the Texas Department of Corrections will meet via conference call originating from the Administration Building, 815 11th Street, Huntsville. According to the agenda summary, the board will consider a management report by McKinsey and Company, the authorization for construction and/or remodeling and change orders, and the sale of central unit land to Dr. Don Hull.

**Contact:** D V McKaskle, P O Box 99, Huntsville, Texas 77340, (409) 295-6371, ext. 160

**Filed:** March 15, 1984, 4:09 p.m.  
TRD-843079

## **Texas County and District Retirement System**

**Friday, March 30, 1984, 9 a.m.** The Board of Trustees of the Texas County and District Retirement System will meet at La Quinta Royale, 601 North Water Street, Corpus Christi. According to the agenda



summary, the board will consider the December 6, 1983, minutes; consider and pass on applications for service retirement and disability retirement benefits; review and act on reports from the actuary, legal counsel, investment counsel, and the director, and set a date for the June meeting

**Contact:** J Robert Brown, 802 Perry-Brooks Building, Austin, Texas 78701, (512) 476-6651

**Filed:** March 16, 1984, 2 14 p.m.  
TRD-843145

### **Texas Education Agency**

**Friday, March 23, 1984, 8:30 a.m.** The Teachers' Professional Practices Commission of the Texas Education Agency (TEA) will meet in the hearing room TEA North Building, 1200 East Anderson Lane, Austin. According to the agenda, a three-member panel of the commission will conduct a closed hearing on a complaint filed by an active, certified member of the teaching profession against another active, certified member of the teaching profession pursuant to the Texas Education Code, §§13.201-13.218.

**Contact:** James A Salmon, 201 East 11th Street, Austin, Texas 78701, (512) 834-4091.

**Filed:** March 15, 1984, 1:47 p.m.  
TRD-843049

**Monday, March 26, 1984, 8 a.m.** The Teachers' Professional Practices Commission of the Texas Education Agency (TEA) will meet in Hearing Room 111, TEA North Building, 1200 East Anderson Lane, Austin. According to the agenda, a three-member panel of the commission will hear three complaints filed by an active certified member of the teaching profession against three active certified members of the teaching profession pursuant to the Texas Education Code, §§13 201-13 218. The hearing will be closed.

**Contact:** James A Salmon, 201 East 11th Street, Austin, Texas 78701, (512) 834-4091

**Filed:** March 16, 1984, 3 40 p.m.  
TRD-843150

**Thursday, March 29, 1984, 1 p.m.** The Apprenticeship and Training Advisory Committee of the Texas Education Agency will meet at the LBJ Hilton Hotel, 4801 LBJ Freeway, Dallas. According to the agenda, the committee will approve minutes, hear reports by the apprenticeship coordinator

and the Planning and Finance Committees, revise committee bylaws, and elect officers

**Contact:** Dan C. Lowe, 201 East 11th Street, Austin, Texas 78701, (512) 834-4197

**Filed:** March 15, 1984, 1 47 p.m.  
TRD-843050

**Friday and Saturday, April 6 and 7, 1984, 1:30 p.m. and 9 a.m. respectively.** The Gifted and Talented Education Advisory Committee of the Texas Education Agency will meet in Meeting Room A, Sunrise Motor Hotel, 7622 IH 35 North, Austin. According to the agenda summary, the committee will meet on Friday to approve the previous meeting minutes, hear a report on the National Business Consortium for the Gifted and Talented, the annual report of the Texas Association for the Gifted and Talented, and a report of the agency staff, discuss plans for a program report to the State Board of Education; discuss recommendations on concurrent enrollment of high school students in colleges; and consider a report of the ad hoc committee on legislation. The committee will meet on Saturday for a workshop session on committee objectives for 1983-1984; hear reports of the ad hoc committees; and discuss future plans.

**Contact:** Ann G Shaw, 201 East 11th Street, Austin, Texas 78701, (512) 834-4451

**Filed:** March 16, 1984, 3 40 p.m.  
TRD-843151

**Monday, April 9, 1984, 8:30 a.m.** The Teachers' Professional Practices Commission of the Texas Education Agency (TEA) will meet in Room 101-E, TEA North Building, 1200 East Anderson Lane, Austin. According to the agenda, a three-member panel of the commission will hear a complaint filed by an active certified member of the teaching profession against another active certified member of the teaching profession pursuant to Texas Education Code, §§13 201-13 218. The hearing will be closed.

**Contact:** James A. Salmon, 201 East 11th Street, Austin, Texas 78701, (512) 834-4091.

**Filed:** March 16, 1984, 3 40 p.m.  
TRD-843152

### **Texas Employment Commission**

**Tuesday, March 27, 1984, 9 a.m.** The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. According to the agenda summary, the commission will approve prior meeting minutes, discuss

internal procedures of the Office of Commission Appeals, consider and act on higher level appeals in unemployment compensation cases on Docket 13, and set the date of next meeting.

**Contact:** Courtenay Browning, TEC Building, Room 608, 15th Street and Congress Avenue, Austin, Texas, (512) 397-4415.

**Filed:** March 19, 1984, 4:03 p.m.  
TRD-843184

### **Good Neighbor Commission**

**Monday, March 26, 1984, 10 a.m.** The Good Neighbor Commission will meet in Room 503-G, Sam Houston Building, 201 East 14th Street, Austin. According to the agenda, the commission will approve Minutes 116, conduct a special presentation to the former chairman, recognize guests, hear reports from the staff and the commissioner, set procedures for the selection of an executive director, name the acting executive director, and select a date and location for the next quarterly meeting.

**Contact:** Bob Watson, P.O. Box 12077, Austin, Texas 78711, (512) 475-3581.

**Filed:** March 16, 1984, 3.16 p.m.  
TRD-843147

### **Texas Health and Human Services Coordinating Council**

**Tuesday, March 27, 1984, 2:30 p.m.** The Public Information Committee of the Texas Health and Human Services Coordinating Council will meet in Room 102, Texas Law Center, 1414 Colorado Street, Austin. According to the agenda, the committee will review the information packet and brochure proposals and discuss current service planning and coordinating groups.

**Contact:** Lynn H Leverty, P.O. Box 12428, Austin, Texas 78711, (512) 475-1306

**Filed:** March 19, 1984, 1:33 p.m.  
TRD-843177

### **Texas Health Facilities Commission**

**Thursday, March 29, 1984, 1:30 p.m.** The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. According to the

agenda summary, the commission will consider the following applications.

**Certificates of Need**

- Tenery Community Hospital, Waxahachie  
AH83-0901-135
- Wortham Hospital, Inc., Wortham  
AH83-1024-220
- Nuclear Magnetic Resonance Center, University of Texas Health Science Center, Dallas  
AO83-1110-301
- Leisure Lodge-Bryan, Bryan  
AN83-0706-023
- South Texas Rural Health Services, Inc., Carrizo Springs  
AS83-0816-112

**Contact:** Judith A Monaco, P.O. Box 50049, Austin, Texas 78763.

**Filed:** March 19, 1984, 9:25 a.m.  
TRD-843164

**Texas Housing Agency**

**Friday, March 23, 1984, 10 a.m.** The Board of Directors of the Texas Housing Agency (THA) will meet in the THA conference room, Suite 700, 411 West 13th Street, Austin. According to the agenda summary, the board will consider resolutions authorizing and approving the issuance, sale, and delivery of \$16.9 million in adjustable rate demand multifamily housing revenue bonds, 1984 Series A (Carpenter-Oxford Development) and \$17.5 million in adjustable rate demand multifamily housing revenue bonds, 1984 Series B (Dallas-Oxford Development), consider and act on the THA's interpretation, under state and federal law, of maximum income limits for persons and families, and consider and possibly act on matters relating to THA bond issues 1980 Series A, 1982 Series A, and 1983 Series A, etc.

**Contact:** Earline Jewett, P.O. Box 13941, Austin, Texas 78711, (512) 475-0812

**Filed:** March 15, 1984, 3:59 p.m.  
TRD-843073

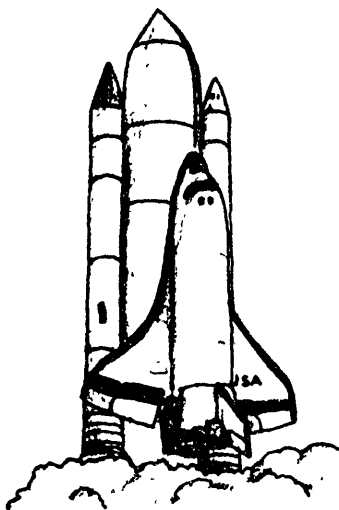
**Texas Commission on Human Rights**

**Saturday, March 31, 1984, 9 a.m.** The Texas Commission on Human Rights will meet in the Valencia Room, La Posada Hotel, McAllen. Items on the agenda summary include approval of the prior meeting minutes, the executive director's report,

an operations report, a financial report, a discussion regarding the filing of civil actions by the commission, worksharing agreement revisions, personnel, the FEP/EEOC annual conference, the Governor's Advisory Committee on Disabilities, and unfinished business from the previous meeting.

**Contact:** William M. Hale, P.O. Box 13493, Austin, Texas 78711, (512) 475-1178.

**Filed:** March 16, 1984, 2:20 p.m.  
TRD-843142



**State Board of Insurance**

**Tuesday, March 20, 1984, 10 a.m.** The State Board of Insurance made an emergency addition to the agenda of a meeting held in Room 414, 1110 San Jacinto Street, Austin. The addition concerned an extension of time to consider a filing by the Industrial Indemnity Company of California of a Surety Bond Program-Health Industry Program. The emergency status was necessary because filing will be approved by operation of law on March 24, 1984, unless the board acts to extend time for consideration.

**Contact:** Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950

**Filed:** March 19, 1984, 2:46 p.m.  
TRD-843179

**Wednesday, March 21, 1984, 11 a.m.** The State Board of Insurance held a rescheduled emergency meeting in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board discussed the dentists' malpractice rate filing dated November 1, 1983, by the Medical Protective Company. The emergency status was necessary because the board may want to set a hearing to withdraw approval of the filing because the rates

might be questionable. The meeting was originally scheduled for March 21, 1984, at 1:30 p.m.

**Contact:** Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

**Filed:** March 19, 1984, 2:46 p.m.  
TRD-843180

**Tuesday, March 27, 1984, 10 a.m.** The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda summary, the board will hear the commissioner's and fire marshal's reports, including personnel matters; consider board orders on several different matters as itemized on the complete agenda; consider Rules 059.03.28.021 and 059.03.28.022, as published at 8 TexReg 569, concerning reserving standards for certain life and annuity contracts; and decide on the appeal of Dave Boothe from action of the Texas Catastrophe Property Insurance Association.

**Contact:** Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

**Filed:** March 19, 1984, 2:46 p.m.  
TRD-843181

The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings in Room 342, 1110 San Jacinto Street, Austin. Days, times, and agendas follow.

**Tuesday, March 27, 1984, 1:30 p.m.** Docket 7619—whether the certificate of authority held by State and County Mutual Fire Insurance Company, Waco, should be canceled or revoked.

**Contact:** J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

**Filed:** March 19, 1984, 11:04 a.m.  
TRD-843167

**Wednesday, March 28, 1984, 10:30 a.m.** Docket 7632—whether the title insurance agent's license held by Wilson Title Company, McKinney, should be canceled or revoked.

**Contact:** Tom I. McFarling, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076.

**Filed:** March 19, 1984, 11:04 a.m.  
TRD-843168

**Wednesday, March 28, 1984, 1:30 p.m.** Docket 7620—application for original charter of Interest Life Insurance Company of America, Austin.

**Contact:** John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

**Filed:** March 19, 1984, 11:04 a.m.  
TRD-843169

**Wednesday, March 28, 1984, 3:30 p.m.** Docket 7622—application for original charter of United Savings Life Insurance Company, Austin.

**Contact:** John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

**Filed:** March 19, 1984, 11:04 a.m.  
TRD-843170

**Thursday, March 29, 1984, 9 a.m.** Docket 7624—application of Financial Holding Company to acquire control of American First Life and Accident Company, Dallas.

**Contact:** Tom I. McFarling, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076.

**Filed:** March 19, 1984, 11:04 a.m.  
TRD-843171

**Monday, April 2, 1984, 1:30 p.m.** The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 353, 1110 San Jacinto Street, Austin. According to the agenda, the section will consider Docket 7626—application for extension of time within which to sell real estate by Union Bankers Insurance Company, Dallas.

**Contact:** John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

**Filed:** March 19, 1984, 11:04 a.m.  
TRD-843172

### **Texas Juvenile Probation Commission**

**Friday, April 6, 1984, 10 a.m.** The Texas Juvenile Probation Commission will meet at 2015 IH 35 South, Austin. According to the agenda, the commission will approve the January 27, 1984, minutes; correct the June 10, 1983, minutes; hear the director's report; approve the transfer of funds; review discretionary fund applications—applicants: Lynn County, Fifth Judicial District, William County, El Paso County, Culbertson and Hudspeth Counties, Fayette County, Kendall County, Cameron County, Aransas County, 33rd Judicial District, Tyler County, Willacy County, Cass County, Wichita County, Bailey and Parmer Counties, Crosby County, Lamar County, Webb County, 110th Judicial District, Angelina County, Bowie County, Dallas County, Lamb County, 198th Judicial District, Jones and Shackelford Counties, 32nd Judicial District, Taylor County, Terry County, Galveston County, Bell County, Brazos County, Eighth Judicial District,

Hardin County, Brazoria County, Moore County, Randall County, Potter County, Harrison County, 83rd and 112th Judicial Districts, Guadalupe County, Tarrant County, Hidalgo County, and the 20th and 82nd Judicial Districts; award discretionary fund grants; and make appointments to the Texas Advisory Council on Juvenile Services.

**Contact:** Judy Culpepper, P.O. Box 13547, Austin, Texas 78711, (512) 443-2001.

**Filed:** March 19, 1984, 11:33 a.m.  
TRD-843174

### **Texas Low-Level Radioactive Waste Disposal Authority**

**Monday, March 19, 1984, 10 a.m.** The Budget Committee of the Texas Low-Level Radioactive Waste Disposal Authority met in emergency session via conference call originating from Suite 175, 1300-C East Anderson Lane, Austin. According to the agenda summary, the committee discussed the extension of an option to purchase property in Dimmit County for location of a low-level radioactive waste disposal facility and negotiations for additional tracts of land in preferred siting areas of the state. The committee also met in executive session pursuant to Texas Civil Statutes, Article 6252-17, §2(f). The emergency status was necessary because the committee needed to consider option extension before the impending lapse of the option. Other tracts needed to be considered as quickly as possible while properties were still on the market. Delay could have eliminated potential sites from consideration.

**Contact:** L. R. Jacobi, Jr., 1300-C East Anderson Lane, Suite 175, Austin, Texas 78752, (512) 835-6795

**Filed:** March 16, 1984, 1:33 p.m.  
TRD-843101

**Monday, March 19, 1984, 11:15 a.m.** The Texas Low-Level Radioactive Waste Disposal Authority met in emergency session via conference call originating from Suite 175, 1300-C East Anderson Lane, Austin. According to the agenda, the authority discussed an option to purchase property in Dimmit County for location of a low-level radioactive waste disposal facility and negotiations for additional tracts of land in preferred siting areas of the state. The authority also met in executive session pursuant to Texas Civil Statutes, Article 6252-17, §2(f). The emergency status was necessary because the board needed to consider option extension before the lapse of the op-

tion. Other tracts needed to be considered as quickly as possible while properties were still on the market. Delay could have eliminated potential sites from consideration.

**Contact:** L. R. Jacobi, Jr., 1300-C East Anderson Lane, Suite 175, Austin, Texas 78752, (512) 835-6795.

**Filed:** March 16, 1984, 1:34 p.m.  
TRD-843102

### **Board of Pardons and Paroles**

**Monday-Friday, April 2-6, 1984, 9 a.m., daily.** The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will review cases of inmates for parole consideration; take action on requests for executive clemency; review and act upon reports regarding administrative releasees; review procedures affecting the daily operation of staff; consider and act regarding needed administrative rule changes; take action upon gubernatorial directives; take action concerning certifying and contracting with community residential facilities; and consider and act in personnel matters.

**Contact:** John W. Byrd, 8610 Shoal Creek Boulevard, Austin, Texas, (512) 459-2716.

**Filed:** March 19, 1984, 11:09 a.m.  
TRD-843175

### **Texas Peanut Producers Board**

**Friday, March 30, 1984, 9 a.m.** The Texas Peanut Producers Board of the Texas Department of Agriculture will meet in Room 330, Soil and Crop Science Building, Texas A&M University, College Station. Items on the agenda include adoption of the annual budget and planning of programs for the next fiscal year.

**Contact:** Mary Webb, P.O. Box 398, Gorman, Texas 76454, (817) 734-2853.

**Filed:** March 19, 1984, 10:25 a.m.  
TRD-843166

### **Texas State Board of Pharmacy**

**Tuesday and Wednesday, March 20 and 21, 1984, 1 p.m. and 8:30 a.m. respectively.** The Texas State Board of Pharmacy made an emergency addition to a meeting held in the Capitol Room, Austin Hilton Inn, 6000 Middle Fiskville Road, Austin. The addition concerned a motion for a rehearing for Ramesh P. Patel and Patel's Pharmacy.

## Texas Register

The emergency status was due to recent information received regarding the addition that necessitated board review and action.

**Contact:** Priscilla Jarvis, 211 East Seventh Street, Suite 1121, Austin, Texas, (512) 478-9827.

**Filed:** March 19, 1984, 1:40 p.m.  
TRD-843178

### Public Utility Commission of Texas

**Wednesday, March 21, 1984, 2 p.m.** The Public Utility Commission of Texas met in emergency session in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the commission selected the organization which will perform the Houston Power and Light management audit. The emergency status was necessary because the audit will take a substantial amount of time and needed to be commenced as soon as possible so that the results may be taken into account in setting rates in a timely manner.

**Contact:** Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

**Filed:** March 19, 1984, 3 23 p.m.  
TRD-843183

**Monday, March 26, 1984, 10 a.m.** The Hearings Division of the Public Utility Commission of Texas (PUC) will meet in emergency session in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division will conduct a prehearing conference in Docket 5647—petition for appeal of Sunbelt Utilities from a rate order of the City of Austin. The emergency status is necessary because the PUC looks at the system-wide cost and revenues of utilities under the Public Utility Regulatory Act (PURA), §22. The commission has already done so in Docket 5362 for the large majority of Sunbelt's customers. However, for some customers inside the Houston city limits, rates are those in effect before Docket 5362. The prehearing conference is set in part to hear motions for interim system-wide rates for this utility to remain in effect pending final order.

**Contact:** Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

**Filed:** March 19, 1984, 8 25 a.m.  
TRD-843156

The Hearings Division of the Public Utility Commission of Texas will meet in Suite

450N, 7800 Shoal Creek Boulevard, Austin. Days, times, and dockets follow.

**Wednesday, March 28, 1984, 9 a.m.** A prehearing conference in Docket 5642—inquiry into the service rendered and rates charged by Martin Utility.

**Contact:** Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** March 16, 1984, 2:19 p.m.  
TRD-843143

**Tuesday, May 22, 1984, 1 p.m.** A hearing in Docket 5580—complaint of Amtel Consulting Company against Southwestern Bell Telephone Company, regarding billing for Neiman-Marcus of Dallas.

**Contact:** Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

**Filed:** March 16, 1984, 9:17 a.m.  
TRD-843087

### Railroad Commission of Texas

**Monday, March 26, 1984, 9 a.m.** Divisions of the Railroad Commission of Texas will meet in Room 309, 1124 IH 35 South, Austin. Divisions, and agendas follow.

The Administrative Services Division will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

**Contact:** Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1211.

**Filed:** March 16, 1984, 1 38 p.m.  
TRD-843120

The Automatic Data Processing Division will consider and act on the division director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters.

**Contact:** Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1204

**Filed:** March 16, 1984, 1 38 p.m.  
TRD-843121

The Flight Division will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

**Contact:** Ken Fossler, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1103.

**Filed:** March 16, 1984, 1:38 p.m.  
TRD-843122

The Gas Utilities Division will consider various matters falling within the Railroad Commission's Gas Utilities Division regulatory jurisdiction.

**Contact:** Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-0461.

**Filed:** March 16, 1984, 1:37 p.m.  
TRD-843123

The Office of Information Services will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

**Contact:** Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78711

**Filed:** March 16, 1984, 1.39 p.m.  
TRD-843124

The LP-Gas Division will consider the final adoption of 16 TAC §9 40, the repeal of §9.41 and §9 62, and the division director's report on division administration, budget, procedures, and personnel matters.

**Contact:** Thomas D. Petru, P.O. Drawer 12967, Austin, Texas 78711

**Filed:** March 16, 1984, 1.36 p.m.  
TRD-843125

The Oil and Gas Division will consider various matters falling within the Railroad Commission's oil and gas regulatory jurisdiction.

**Contact:** Liz Nauert, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307

**Filed:** March 16, 1984, 1 37 p.m.  
TRD-843126

Additions to the above agenda.

Consideration of category determinations under the Natural Gas Policy Act of 1978, §§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108.

**Contact:** Madalyn J. Girvin, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1209.

**Filed:** March 16, 1984, 1:38 p.m.  
TRD-843127

Consideration of whether or not to institute legal action against Paul R. Mayo; the Gratex Corporation, a division of Compton Corporation; and Kit Gray, Jr.

**Contact:** Glenn Jordan, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1229.

**Filed:** March 16, 1984, 1.38 p.m.  
TRD-843128

Consideration of Oil and Gas Docket 7C-80,973—application of Wes-Tex Drilling Company to consider an allowable ad-

justment in the Whitehead (Strawn) Field, Sutton County

**Contact:** Billy D Thomas, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1289.

**Filed:** March 16, 1984, 1:37 p.m.  
TRD-843129

Consideration of Oil and Gas Dockets 4-82,337 and 4-82,338

**Contact:** Don Walker, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1229.

**Filed:** March 16, 1984, 1:35 p.m.  
TRD-843130

The Personnel Division will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

**Contact:** Herman L. Wilkins, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1120

**Filed:** March 16, 1984, 1:36 p.m.  
TRD-843131

The Office of the Special Counsel will consider and act on the division director's report relating to pending litigation, state and federal legislation, and other budget, administrative, and personnel matters

**Contact:** Walter Earl Lilie, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1186.

**Filed:** March 16, 1984, 1:38 p.m.  
TRD-843132

The Surface Mining and Reclamation Division will consider the admission of Scott Garrison as a party in Docket 18, and the approval of the permit application of Basic Resources, Inc., for its Lexington *in situ* coal gasification project in Docket 18, and consider and act on the division director's report on division administration, budget, procedures, and personnel matters

**Contact:** J. Randel (Jerry) Hill, 105 West Riverside Drive, Austin, Texas, (512) 475-8751

**Filed:** March 16, 1984, 1:36 p.m.  
TRD-843133

The Transportation Division will consider various matters falling within the commission's transportation regulatory jurisdiction

**Contact:** Walter Wendlandt, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

**Filed:** March 16, 1984, 1:36 p.m.  
TRD-843134

Addition to the above agenda:

Consideration of the final adoption of 16 TAC §5.305 (Docket 05 305A1AR), concerning changes in ownership, possession, or control of certificates or permits

**Contact:** Walter Wendlandt, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

**Filed:** March 16, 1984, 1:36 p.m.  
TRD-843135

### **Texas Real Estate Commission**

**Monday, March 26, 1984, 9:30 a.m.** The Texas Real Estate Commission will meet in the Andaman Room, Mandalay Four Seasons Hotel, 221 South Las Colinas Boulevard, Dallas. According to the agenda summary, the commission will consider the February 20, 1984, minutes; hear staff reports for January 1984; and consider motions for rehearing and/or probation, final action on a proposed amendment to 22 TAC §535.154, concerning corporations licensed as real estate brokers, and education matters. The commission also will meet in executive session to discuss pending litigation.

**Contact:** Camilla S. Shannon, P.O. Box 12188, Austin, Texas 78711, (512) 459-1123.

**Filed:** March 16, 1984, 9:17 a.m.  
TRD-843088

### **School Land Board**

**Tuesday, March 20, 1984, 10 a.m.** The School Land Board met in emergency session in Room 831, General Land Office, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board considered a pooling application. The emergency status was necessary because the lease expired before the next regularly scheduled meeting.

**Contact:** Linda K. Fisher, 1700 North Congress Avenue, Room 835, Austin, Texas 78701, (512) 475-4307

**Filed:** March 16, 1984, 4:43 p.m.  
TRD-843135

### **Office of the Secretary of State**

**Tuesday, March 20, 1984, 10:30 a.m.** The State Board of Canvassers of the Office of the Secretary of State met in emergency ses-

sion in Room 127, State Capitol, Austin. According to the agenda, the board conducted the official canvass of the March 10, 1984, special election in State Representative District 14 in accordance with the Texas Election Code, Article 8.38 and Article 4.12, §3. The emergency status was necessary because the original canvass was withdrawn due to a recount.

**Contact:** Kim Tolar, 915 Sam Houston Building, 201 East 14th Street, Austin, Texas 78711, (512) 475-3091.

**Filed:** March 20, 1984, 8:28 a.m.  
TRD-843187

**Thursday, March 29, 1984, 3:30 p.m.** The State Board of Canvassers of the Office of the Secretary of State will meet in Room 127, State Capitol, Austin. According to the agenda, the board will conduct the official canvass of the March 24, 1984, special elections in State Representative Districts 73 and 15 in accordance with the Texas Election Code, Article 8.38 and Article 4.12, Subdivision 3.

**Contact:** Kim Tolar, 201 East 14th Street, Room 915, Austin, Texas 78711, (512) 475-3091

**Filed:** March 16, 1984, 3:29 p.m.  
TRD-843146

### **State Securities Board**

**Monday, April 2, 1984, 10 a.m.** The Securities Commissioner of the State Securities Board will meet at 1800 San Jacinto Street, Austin. According to the agenda summary, a hearing will be held for the purpose of determining whether the registration of Robco Oil, Inc., as a securities dealer, the registration of James W. Robson, Sr., and James W. Robson, Jr. (also known as Robbie Robson) as principals of a securities dealer, and the registration of Dennis Doyle Dalton (also known as Dusty Dalton) as a securities salesman should be denied, revoked, or suspended; and whether a cease and desist order should be issued prohibiting the sale of securities issued by Robco Oil, Inc., James W. Robson, Jr., James W. Robson, Sr., and sold by James W. Robson, Jr., Bradford Harris Blazar, Dennis Doyle Dalton and Scott Frederick Washburn.

**Contact:** Sue B. Roberts, 1800 San Jacinto Street, Austin, Texas 78701.

**Filed:** March 19, 1984, 3:08 p.m.  
TRD-843182

**State Telephone Service  
Advisory Committee**

**Thursday, March 22, 1984, 9:30 a.m.** The State Telephone Service Advisory Committee met in emergency session in Room 310, State Capitol, Austin. According to the agenda summary, the committee considered presentations by vendors bidding on the centrex replacement and committee recommendations on the centrex replacement. The emergency status was necessary because time restraints in relation to bidding requirements were placed on the committee by Senate Bill 1355.

**Contact:** Neal T Jones, P.O. Box 2910, Austin, Texas, (512) 475-3311.

**Filed:** March 20, 1984, 9:40 a.m.  
TRD-843193

**Texas Tech University**

**Thursday, March 22, 1984.** Committees of the Texas Tech University Board of Regents and the Texas Tech University Health Sciences Center Board of Regents will meet jointly in the board suite, Administration Building, Texas Tech University campus, Lubbock. Times, committees, and agendas follow.

**8:30 a.m.** The Finance and Administration Committees will jointly consider budget adjustments for December and January, a computer security policy, a change in carriers for optional retirement and tax-sheltered Annuity programs, a revision of a board of regents' policy pertaining to the investment of local funds, and the holiday schedule for fiscal year 1984-1985, and hear reports on the Mineral Rights Endowment Advisory Committee, sole source purchases, mineral rights exemption, and legislative requests priorities. The committees also will meet in executive session

The Finance and Administration Committee of the Texas Tech University Board of Regents will also consider the approval of contracts between the university and support groups, the sale of electrical power distribution lines to Southwestern Public Service Company, and the ratification of the specification of officers and/or employees to sign financial aid cashier's checks only

The Finance and Administration Committee of the Texas Tech University Health Sciences Center Board of Regents also will consider the approval of a contract between the center and Texas Tech Medical Foundation, the reappointment of employees for fiscal year 1985 who are age 70 or more; a contract with High Plains Baptist Hospital;

a contract with the El Paso County Hospital District, doing business as R. E. Thompson Hospital; and amendments to a contract for management services in nursing being provided by the School of Nursing to Lubbock County Hospital, doing business as Lubbock General Hospital.

**10:30 a.m.** The Athletic Affairs Committee of the Texas Tech University Board of Regents will hear a progress report on planning for a multipurpose athletic and physical education facility and hear other reports. The committee also will meet in executive session

**11 a.m.** The Development Committees will consider a revision of board policy pertaining to the acceptance of gifts and grants, hear reports, and meet in executive session

**11:30 a.m.** The Public Affairs and University Relations Committees will jointly hear reports and meet in executive session.

**1:30 p.m.** The Academic and Student Affairs Committees will meet jointly in executive session

The Academic and Student Affairs Committee of the Texas Tech University Board of Regents also will hear reports and consider the granting of academic tenure; the approval of changes in academic rank, the designation of Horn Professor(s), and nominee(s) for honorary degree(s); a proposed degree program for the bachelor of science degree with a major in cell and molecular biology; a change in the organizational structure of Texas Tech University; the ratification of leaves of absence; the conferral of degrees for the May 1984 commencement; and faculty development leaves

The Academic and Student Affairs Committee of the Texas Tech University Health Sciences Center Board of Regents also will consider the granting of academic tenure and changes in the academic rank for certain members of the center's School of Medicine, and ratification of administrative action relating to leaves of absence.

**3 p.m.** The Campus and Building Committees will meet jointly in executive session.

The Campus and Building Committee of the Texas Tech University Board of Regents also will consider awarding a construction contract for the installation of a new fire and smoke alarm system in Stangel/Murdough residence hall and the renovation of bathrooms in the Murdough residence hall; receive bids for the remodeling and completion of the art building sub-basement, the sewage effluent storage reservoir, alterations for the computer center in the basement of the library, and an addition to the

Texas Tech Press; dispose of and delete from the building inventory the dormitory laundry, the miramural gym, and 11 buildings at the Pantex facility; appoint an architectural firm to prepare design studies and cost estimates for the construction of a multipurpose athletic and physical education facility; appoint a project engineer for the modification of the museum's air conditioning system for temperature and humidity control; accept the Mentone Church building for relocation and restoration at the Ranching Heritage Center; award a time purchase contract to install internal components of the new cooling tower at Central Heating and Cooling Plant 2; and accept dates for completed energy conservation projects

The Campus and Building Committee of the Texas Tech University Health Sciences Center Board of Regents will consider the receipt of bids for an addition to the center parking lot, the completion of shell space on the second level of the Texas Tech University Regional Academic Health Center in Amarillo; the renovation and repair of existing floors in the Vivarium Department, basement, Pod B, Health Sciences Center building, Lubbock, and award a construction contract of the construction and completion of shell space on the fourth level, Pod B, for the Departments of Medicine and Pediatrics in the Health Sciences Center, Lubbock.

**Contact:** Freda Pierce, P O. Box 4039, Lubbock, Texas 79409, (806) 742-2161

**Filed:** March 15, 1984, 2:28 p.m.  
TRD-843060-843070

**Friday, March 23, 1984, 9 a.m.** The Texas Tech University Board of Regents and the Texas Tech University Health Sciences Center Board of Regents will jointly consider reports and action on the minutes and the Academic and Student Affairs, Finance and Administration, Campus and Building, and Development Committees

**Contact:** Freda Pierce, P O Box 4039, Lubbock, Texas 79409, (806) 742-2161.

**Filed:** March 15, 1984, 2 28 p.m.  
TRD-843071, 843072

**Texas Water Commission**

**Monday, March 19, 1984, 3:30 p.m.** The Texas Water Commission met in emergency session in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue,

Austin According to the agenda summary, the commission considered a request by the City of Austin for a temporary order to discharge an unspecified volume of partially treated sewage effluent to Williamson and Onion Creeks from its Williamson Creek wastewater treatment plant in Travis County. The emergency status was necessary because, due to the near capacity of the ponds, the City of Austin requested the commission consider the request on this date.

**Contact:** Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514

**Filed:** March 15, 1984, 1:59 p.m.  
TRD-843051

The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Days, times, and agendas follow

**Monday, March 26, 1984, 2 p.m.** Consideration of a request by Gibraltar Chemical Resources, Inc., for a determination on the question of the sufficiency of the technical data submitted to the staff of the executive director of the Texas Department of Water Resources concerning proposed Permit WDW-186

**Tuesday, March 27, 1984, 10 a.m.** The commission will consider water district bond issues, release from escrow, use of surplus funds, setting hearing dates for district creations, water quality proposed permits, amendments, renewals, minor amendments, water use applications, the cancellation of claims, and the setting of a hearing date for a rate ordinance

**Contact:** Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514

**Filed:** March 15, 1984, 1:59 p.m.  
TRD-843052, 843053

**April 5, 1984, 10 a.m.** The Texas Water Commission will meet in Room 124A, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider an application by the City of Cooper to the Texas Department of Water Resources for a temporary order to authorize the discharge of partially treated domestic wastewater effluent at a volume not to exceed an average flow of 300,000 gallons per day (600,000 daily maximum) from the domestic sewage treatment plant which is located approximately 1900 feet southeast of the intersection of FM Road 1528 and FM Road 1880, south of the City of Cooper in Delta County. The applicant proposes to make needed improvements to the treatment plant as part of a U.S. Environmen-

tal Protection Agency construction grant project.

**Contact:** Carl X. Forrester, P.O. Box 13087, Austin, Texas 78711, (512) 475-7851.

**Filed:** March 16, 1984, 9:41 a.m.  
TRD-843090

The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Days, times, and agendas follow

**Wednesday, April 11, 1984, 2 p.m.** Adjudication of claims of water rights in the Clear Fork segment of the Brazos River Basin

**Wednesday, May 2, 1984, 10 a.m.** Petition for creation of Maple Run at Austin Municipal Utility District 1, containing 593.273 acres of land

**Contact:** Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514

**Filed:** March 16, 1984, 9:42 a.m.  
TRD-843091, 843092

**Wednesday, May 30, 1984, 10 a.m.** The Texas Water Commission will meet in council chambers, second floor, Conroe City Hall, 505 West Davis, Conroe. According to the agenda summary, the commission will consider the application of Magna Corporation/Baker International, P.O. Box 33387, Houston, Texas 77054, to the Texas Department of Water Resources for an amendment to Permit 01969 to authorize an increase in the disposal of treated waste water from a volume not to exceed an average flow of 5,800 gallons per day to 25,000 per day of process and treated domestic wastewater from a specialty surface-active agent manufacturing plant. The applicant proposes to add land application, by irrigation on 33 acres of land, as part of the treatment process, and also to move sampling points downstream of the irrigated fields. Rainfall runoff, at volumes variable with rainfall, may be discharged from the irrigated fields through Outfalls 001 and 002. Any water that cannot be irrigated due to adverse weather will be hauled to a permitted waste disposal well for disposal.

**Contact:** Teresa B. Salmone, P.O. Box 13087, Austin, Texas 78711, (512) 475-1418.

**Filed:** March 15, 1984, 1:59 p.m.  
TRD-843054

**Texas Department of Water Resources**

**Monday, March 19, 1984, 1:30 p.m.** The Texas Water Development Board of the

Texas Department of Water Resources made an emergency addition to the agenda of a meeting held in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The addition concerned an application by the City of Borger to issue prior lien bonds through commercial channels, the proceeds of which will be used for the construction of water-related projects. The emergency status was necessary because the City of Borger was scheduled to sell bonds in commercial channels on March 20, 1984, and required prior board approval.

**Contact:** Charles E. Nemir, P.O. Box 13087, Austin, Texas 78711, (512) 475-3187.

**Filed:** March 19, 1984, 11:12 a.m.  
TRD-843173

**Thursday, April 5, 1984, 9 a.m.** The Texas Department of Water Resources will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the department will conduct a public hearing to receive comments on proposed 31 TAC §§335 501-335 505, relating to location standards for hazardous waste storage processing or disposal.

**Contact:** Jim Haley, P.O. Box 13087, Austin, Texas 78711, (512) 475-7841.

**Filed:** March 20, 1984, 9:45 a.m.  
TRD-843194

**Friday, April 6, 1984, 9:30 a.m.** The Texas Department of Water Resources will meet in the City of Houston Health Department auditorium, 1115 MacGregor, Houston. According to the agenda summary, the department will conduct a public hearing to receive comments on proposed 31 TAC §§335 501-335 505, relating to location standards for hazardous waste storage processing or disposal.

**Contact:** Jim Haley, P.O. Box 13087, Austin, Texas 78711, (512) 475-7841.

**Filed:** March 20, 1984, 9:45 a.m.  
TRD-843195

**Regional Agencies Meetings Filed March 15**

**The Cass County Appraisal District, Board of Directors,** rescheduled a meeting held at 208 West Houston Street, Linden, on March 20, 1984, at 10 a.m. The meeting was originally scheduled for March 13, 1984. Information may be obtained from Janelle Clements, P.O. Box 167, Linden, Texas 75563, (214) 756-7545.

## Texas Register

**The Coastal Band Council of Governments** will meet in the central jury room, Nueces County Courthouse, 901 Leopard, Corpus Christi, on March 23, 1984, at 2 p.m. Information may be obtained from John P. Buckner, P O Box 9909, Corpus Christi, Texas 78408, (512) 883-5743

**The Dallas Area Rapid Transit**, Communication and Community Involvement Committee, met at 601 Pacific Avenue, Dallas, on March 19, 1984, at 3 p.m. Information may be obtained from Michael Miles, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278

**The Deep East Texas Council of Governments**, Board of Directors, met at the San Jacinto County Senior Center, Coldspring, on March 22, 1984, at 1:30 p.m. Information may be obtained from Rhonda Ruckel, P O. Drawer 1170, Jasper, Texas 75951, (409) 384-5704

**The East Texas Council of Governments**, Board of Directors, met at the Palestine Civic Center, Palestine, on March 21, 1984, at 5:45 p.m. Information may be obtained from Glynn J Knight, 3800 Stone Road, Kilgore, Texas 75662, (214) 984-8641

**The Gray County Appraisal District**, Appraisal Review Board, met in Suite 196-A, Hughes Building, 400 West Kingsmill, Pampa, on March 20, 1984, at 10 a.m. Information may be obtained from Charles Buzzard, P O Box 836, Pampa, Texas 79065, (806) 665-0791

**The Gulf Bend Mental Health and Mental Retardation Center**, Board of Trustees, rescheduled a meeting held at 2105 Port Lavaca Drive, Victoria, on March 22, 1984, at noon. The meeting was originally scheduled for March 1, 1984. Information may be obtained from T G Kelliher, Jr., 2105 Port Lavaca Drive, Victoria, Texas 77901, (512) 578-5262

**The Hale County Appraisal District**, Board of Directors, met at 302 West Eighth, Plainview, on March 22, 1984, at 7 p.m. Information may be obtained from Linda Jaynes, P O Box 29, Plainview, Texas 79072, (806) 293-4226

**The Hockley County Appraisal District**, Board of Directors, made an addition to the agenda of a meeting held at 913 Austin Street, Levelland, on March 19, 1984, at 7 p.m. Information may be obtained from Keith Toomire, P O Box 1090, Levelland, Texas 79336, (806) 894-9654.

**The Jack County Appraisal District**, Board of Directors, met at Los Creek Building, 258 South Main, Jacksboro, on March 20, 1984, at 7 p.m. Information may be obtained from Linda McSpadded or Doris G. Ray, 258 South Main, Jacksboro, Texas 76056, (817) 567-6301 or 567-6302

**The Limestone County Appraisal District**, Board of Directors, met at the Limestone County Courthouse, Groesbeck, on March 21, 1984, at 7 p.m. Information may be obtained from Clydene Hyden, P.O. Drawer 831, Groesbeck, Texas 76642, (817) 729-3009.

**The Lower Colorado River Authority**, Audit and Budget Committee, met at 3700 Lake Austin Boulevard, Austin, on March 21, 1984, at 8 a.m. The following committees also met at the same location on the same date, at the following times.

Finance and Administration  
Committee—9 a.m.

Energy Operations Committee—1 p.m.  
Natural Resources Committee—  
2:30 p.m.

The Board of Directors met at 3700 Lake Austin Boulevard, Austin, on March 22, 1984, at 9 a.m. Information may be obtained from Elof H. Soderberg, P O Box 220, Austin, Texas 78767, (512) 473-3200.

**The North Central Texas Council of Governments**, Executive Board, met at the Hurst Public Library, Hurst, on March 22, 1984, at 1 p.m. Information may be obtained from William J Pittstick, P O Drawer COG, Arlington, Texas 76011, (817) 461-3300.

TRD-843055

### Meetings Filed March 16

**The Bexar Appraisal District**, Board of Directors, will meet at 535 South Main, San Antonio, on March 26, 1984, at 5 p.m. Information may be obtained from Bill Burnette, 535 South Main, San Antonio, Texas 78204, (512) 224-8511

**The East Texas CETA Consortium**, Board of Directors, met at K-Bob's Restaurant, Kilgore, on March 20, 1984, at 11:30 a.m. Information may be obtained from Glynn J Knight, 3800 Stone Road, Kilgore, Texas, (214) 984-8641

**The Golden Crescent Regional Planning Commission**, Board of Directors, will meet at the Texas Zoo, Riverside Park, Victoria, on March 28, 1984, at 5 p.m. Informa-

tion may be obtained from Patrick J. Kennedy, P O Box 2028, Victoria, Texas 77902, (512) 578-1587

**The Lower Rio Grande Valley Development Council**, Board of Directors, will meet at the Harlingen Chamber of Commerce, 311 East Tyler, Harlingen, on March 22, 1984, at 1:30 p.m. Information may be obtained from Robert A. Chandler, Texas Commerce Bank Building, Suite 207, McAllen, Texas 78501, (512) 682-3481

**The Pecan Valley Mental Health and Mental Retardation Region**, Board of Trustees, met at the First United Methodist Church, 204 East Pearl, Granbury, on March 21, 1984, at 8 a.m. Information may be obtained from Theresa Mulloy, P O Box 973, Stephenville, Texas 76401, (817) 965-7806

**The West Central Texas Council of Governments**, Executive Committee, will meet at 1025 East North 10th Street, Abilene, on March 28, 1984, at 12:45 p.m. Information may be obtained from Brad Helbert, P O Box 3195, Abilene, Texas 79604, (915) 672-8544

TRD-843144

### Meetings Filed March 19

**The Austin-Travis County Mental Health and Mental Retardation Center**, Finance and Control Committee, met in the E. D. Conference Room, 1430 Collier Street, Austin, on March 22, 1984, at 5:15 p.m. The Board of Trustees met at the same location on the same day at 6 p.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141, ext. 40

**The Dallas Area Rapid Transit Authority**, Budget and Finance Committee, met in Room 5ES, Dallas City Hall, 1500 Marilla Street, Dallas, on March 22, 1984, at 5 p.m. The board met at the same location on the same day at 6:30 p.m. Information may be obtained from Michael Miles, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278

**The Deep East Texas Regional Mental Health and Mental Retardation Services**, Board of Trustees, will meet in the Ward R. Burke Community Room, Day Treatment/Administration Facility, 4101 South Medford Drive, Lufkin, on March 27, 1984, at 5:30 p.m. Information may be obtained from Jim McDermott, 4101 South Medford Drive, Lufkin, Texas 75901, (409) 639-1141.

**The Region 18 Education Service Center**, Joint Committee, will meet at the Region



18 Education Service Center, LaForce Boulevard, Midland, on April 4, 1984, at 10 a.m. The Board of Directors will meet at the same location on April 5, 1984, at 7:30 p.m. Information may be obtained from J. W. Donaldson, P.O. Box 6020, Midland, Texas 79711, (915) 563-2380.

**The Hays County Central Appraisal District**, Board of Review, met in emergency session at the Hays County Courthouse Annex, San Marcos, on March 22, 1984, at 9 a.m. Information may be obtained from Lynnell Sedlar, Hays County Courthouse Annex, Third Floor, San Marcos, Texas 78666.

**The High Plains Underground Water Conservation District 1**, Board of Directors, will meet in the conference room, 2930 Avenue Q, Lubbock, on Friday, March 23, 1984, at 1:30 p.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181.

**The Leon County Central Appraisal District**, Board of Directors, will meet at the Leon County Courtroom, Centerville, on March 26, 1984, at 7:30 p.m. Information may be obtained from Mabel Watson, P.O. Box 536, Centerville, Texas 75833, (214) 536-2252.

**The Scurry County Appraisal District**, Board of Directors, met at 2612 College Avenue, Snyder, on March 22, 1984, at 7 p.m. Information may be obtained from L. R. Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549.

**The South Texas Development Council**, Board of Trustees, met at the Zapata County Public Library, Zapata, on March 22, 1984, at 10 a.m. Information may be obtained from Roberto Mendiola, P.O. Box 2187, Laredo, Texas 78044-2187, (512) 722-3995.

**The West Texas Council of Governments**, Board of Directors, will meet on the eighth

floor, Two Civic Center Plaza, El Paso, on March 23, 1984, at 9:30 a.m. Information may be obtained from Bernie Guy, Two Civic Center Plaza, El Paso, Texas 79999, (915) 541-4689.

TRD-843157

**Meeting Filed March 20**

**The Bastrop County Appraisal District**, Board of Directors, will meet in the conference room, Bastrop County Courthouse, 803 Pine Street, Bastrop, on March 23, 1984, at 2 p.m. Information may be obtained from Clifton Kessler, 705 Spring Street, Bastrop, Texas 78602, (512) 321-4316.

TRD-843190

# In Addition

The *Register* is required by statute to publish applications to purchase control of state banks (filed by the banking commissioner); notices of rate ceilings (filed by the consumer credit commissioner), changes in interest rate and applications to install remote service units (filed by Texas Savings and Loan commissioner), and consultant proposal requests and awards (filed by state agencies, regional councils of government, and the Texas State Library and Archives Commission).

In order to aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows. This often includes applications for construction permits (filed by the Texas Air Control Board); applications for amendment, declaratory ruling, and notices of intent (filed by the Texas Health Facilities Commission); applications for waste disposal permits (filed by the Texas Water Commission); and notices of public hearing.

## Banking Department of Texas Applications To Acquire Control of State Banks

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

On March 13, 1984, the banking commissioner received an application to acquire control of American Bank of Commerce, Grapevine, by Tommy Goff of Colleyville.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451

Issued in Austin, Texas, on March 13, 1984

TRD-843012 Archie P. Clayton III  
General Counsel  
Banking Department of Texas

Filed March 14, 1984

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

On March 6, 1984, the banking commissioner received an application to acquire control of First State Bank, Milford, by H. L. Southard of Avalon.

On March 13, 1984, notice was given that the application would not be denied.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451

Issued in Austin, Texas, on March 13, 1984

TRD-843013 Archie P. Clayton III  
General Counsel  
Banking Department of Texas

Filed March 14, 1984

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

On March 13, 1984, the banking commissioner received an application to acquire control of Spring Woods Bank, Houston, by Harley W. McConnell of Houston.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451

Issued in Austin, Texas, on March 13, 1984

TRD-843014 Archie P. Clayton III  
General Counsel  
Banking Department of Texas

Filed March 14, 1984

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

## Comptroller of Public Accounts Decisions 7,881, 12,808, 12,820, and 12,700

For copies of the following opinion, contact Bob Bullock, Comptroller of Public Accounts, Attention: Administrative Law Judges, 111 East 17th Street, Austin, Texas 78774. Copies will be furnished without charge and edited to comply with confidentiality statutes.

**Summary of Decision.** The taxpayer, a corporation engaged in the publishing and broadcasting business, contended that its sales of advertising space and time represented sales of intangible property, and that its receipts from such sales should therefore be allocated for franchise tax apportionment purposes according to the location-of-payor test. Under that test, receipts from advertising sold to out-of-state advertisers would not be considered receipts from business done in Texas. The Tax Division contended that the taxpayer's advertising receipts were derived from services performed in Texas, and

should be allocated to Texas under the Texas Tax Code, §171.103(2). The comptroller held with the Tax Division.

Issued in Austin, Texas, on March 16, 1984

TRD-843080 Bob Bullock  
Comptroller of Public Accounts

Filed March 15, 1984  
For further information, please call (512) 475-1938.



### Office of Consumer Credit Commissioner Rate Ceilings

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer <sup>(3)</sup> Agricul- tural/Commercial <sup>(4)</sup> thru \$250,000	Commercial <sup>(4)</sup> over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1) 03/26/84-04/01/84	19.50%	19.50%
Monthly Rate— Article 1.04(c) <sup>(1)</sup> 03/01/84-03/31/84	18.44%	18.44%
Standard Quarterly Rate—Article 1.04(a)(2) 04/01/84-06/30/84	18.27%	18.27%
Retail Credit Card Quarterly Rate— Article 1.11 <sup>(3)</sup> 04/01/84-06/30/84	18.27%	N/A
Lender Credit Card Quarterly Rate— Article 15.02(d) <sup>(3)</sup> 04/01/84-06/30/84	18.27%	N/A
Standard Annual Rate— Article 1.04(a)(2) <sup>(2)</sup> 04/01/84-06/30/84	18.27%	18.27%

Type of Rate Ceilings  
Effective Period  
(Dates are Inclusive)

Retail Credit Card  
Annual Rate—  
Article 1.11<sup>(3)</sup>  
04/01/84-06/30/84

18.27%

Commercial<sup>(4)</sup>  
over  
\$250,000

N/A

Annual Rate Applica-  
ble to Pre-July 1, 1983,  
Retail Credit Card and  
Lender Credit Card  
Balances with Annual  
Implementation Dates  
from

04/01/84-06/30/84

18.00%

N/A

Judgment Rate—  
Article 1.05, §2

04/01/84-04/30/84

10.00%

10.00%

- (1) For variable rate commercial transactions only
- (2) Only for open-end credit as defined in Texas Civil Statutes, Article 5069-1.01(f)
- (3) Credit for personal, family, or household use
- (4) Credit for business, commercial, investment, or other similar purpose

Issued in Austin, Texas, on March 19, 1984

TRD-843163 Sam Kelly  
Consumer Credit Commissioner

Filed March 19, 1984  
For further information, please call (512) 475-2111.

### Texas Education Agency Consultant Proposal Request

**Description.** The Texas Education Agency (TEA) is requesting applications for vocational education program improvement projects as provided for by Public Law 94-482, the Educational Amendments of 1976. Applications are requested in the areas of research, exemplary and innovative, curriculum development, personnel training, and grants to overcome sex bias and sex stereotyping. This consultant contract proposal is filed under Texas Civil Statutes, Article 6252-11c.

**Due Dates.** Applications must be received by TEA no later than 5 p.m. on April 30, 1984. The right to reject any or all applications is reserved.

**Eligible Applicants.** The following public educational institutions are eligible applicants for these funds. school districts, community/junior colleges, technical institutes, senior colleges, universities, and education service centers.

**Procedure for Selecting Contractors.** Respondents deemed by a review panel to be best qualified by knowledge, experience, and education in the specialties required for the projects, capacity to complete the projects well and timely, and reputation for excellence of performance will be selected for cost and contract negotiations.

**Contact.** Further information and copies of "Instructions and Forms for the Preparation and Submission of Applications for Discretionary Funding of Vocational Program Improvement Activities" (including specific requests for applications) may be obtained by writing or calling Dr. R. D. Bristow, Research Coordinating Unit,

Texas Education Agency, 201 East 11th Street, Austin, Texas 78701, (512) 834-4165.

Issued in Austin, Texas, on March 16, 1984

TRD-843153 Raymon L. Bynum  
Commissioner of Education

Filed March 16, 1984

For further information, please call (512) 475-7077.

## Texas Department of Health Public Hearing

A hearing will be held to consider an amendment to Solid Waste Permit 729, presently held by the City of El Paso, for the operation of a Type I 25-acre municipal solid waste site located within the northeast corner of the city limits of El Paso, at the northeast corner of the intersection of McCombs Road and FM Road 2529, approximately 4 1/4 miles west of U S Highway 54, and approximately 300 feet south of the Texas-New Mexico state line, in El Paso County

The application to amend the permit will add a 302-acre extension to the west, north, and east sides of the existing disposal site. The total site will consist of 327 acres of land and is to receive daily 162 tons of solid waste

The hearing will be held on Thursday, April 19, 1984, at 11 a.m., in the City Council chamber, City Hall, El Paso.

Issued in Austin, Texas, on March 16, 1984

TRD-843093 Robert A. MacLean, M.D.  
Deputy Commissioner  
Professional Services  
Texas Department of Health

Filed: March 16, 1984

For further information, please call (512) 458-7271.

## Texas Health Facilities Commission Applications Accepted for Amendment, Declaratory Ruling, and Notices of Intent

Notice is hereby given by the Texas Health Facilities Commission of applications accepted as of the date of this publication. In the following list, the applicant is listed first, file number second, the relief sought third, and a description of the project fourth. DR indicates declaratory ruling; AMD indicates amendment of previously issued commission order, CN indicates certificate of need; PFR indicates petition for reissuance, NIE indicates notice of intent to acquire major medical equipment, NIEH indicates notice of intent to acquire existing health care facilities, NIR indicates notice of intent regarding a research project, NIE/HMO indicates notice of intent for exemption of HMO-related project; and EC indicates exemption certificate

Should any person wish to become a party to any of the previously-stated applications, that person must file a proper request to become a party to the application within 15 days after the date of this publication of notice. If the 15th day is a Saturday, Sunday, state or federal holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, state or federal holiday. A request to become a party should be mailed to the chair of the commission at P O Box 50049, Austin, Texas 78763, and must be received at the commission no later than 5 p.m. on the last day allowed for filing of a request to become a party.

The contents and form of a request to become a party to any of these applications must meet the criteria set out in 25 TAC §515.9. Failure of a party to supply the necessary information in the correct form may result in a defective request to become a party.

Jewell Enterprises, Arlington  
AN84-0301-138

NIEH—Request for a declaratory ruling that a certificate of need is not required for Jewell Enterprises to acquire by purchase West Texas Nursing Center, an existing 114-bed ICF nursing facility located in Abilene, from Beverly Enterprises, Inc. Upon acquisition, the name of the facility will be changed to Abilene Convalescent Center.

Gateway Three Health Associates,  
Rancho Mirage, California  
AN84-0312-157

NIEH—Request for a declaratory ruling that a certificate of need is not required for Gateway Three Health Associates to acquire by purchase West Texas Nursing Center, an existing 114-bed ICF nursing facility located in Abilene, from Jewell Enterprises. Upon acquisition, the name of the facility will be changed to Abilene Convalescent Center.

Jewell Enterprises, Arlington  
AN84-0301-140

NIEH—Request for a declaratory ruling that a certificate of need is not required for Jewell Enterprises to acquire by lease West Texas Nursing Center, an existing 114-bed ICF nursing facility located in Abilene, from Gateway Three Health Associates. Upon acquisition, the name of the facility will be changed to Abilene Convalescent Center.

Parent Care, Inc., a Texas corporation, Arlington  
AN84-0301-139

NIEH—Request for a declaratory ruling that a certificate of need is not required for Parent Care, Inc., to acquire by lease West Texas Nursing Center, an existing 114-bed ICF nursing facility located in Abilene, from Jewell Enterprises. Upon acquisition, the name of the facility will be changed to Abilene Convalescent Center.

Midland County Hospital District for Midland  
Memorial Hospital, Midland  
AH83-0519-516A(031384)

CN/AMD—Request to increase the project cost from \$1,255,000 to \$1,392,110 in Certificate of Need AH83-0519-516, which authorized the certificate holder to replace a Pfizer second generation

CT scanner with a General Electric 9800 whole body scanner and to renovate 2,707 square feet.

Woodland Heights General Hospital, Inc., a wholly-owned subsidiary of Hospital Corporation of America, Lufkin

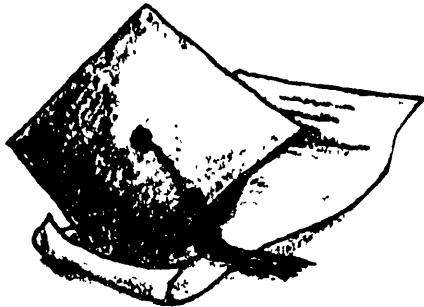
AH84-0307-150

DR—Request for a declaratory ruling that a certificate of need is not required for Woodland Heights General Hospital, Inc., of Lufkin, to establish a cardiac rehabilitation program. Approximately 414 square feet of space that is currently being utilized as a patient waiting area on the third floor of the hospital will be renovated to accommodate the program. The proposed program will offer cardiovascular rehabilitation services to outpatients recovering from myocardial infarction and/or coronary artery bypass, as well as asymptomatic heart disease and stable angina, and involves a three to seven month exercise program for the development of cardiovascular fitness with accompanying psychological and educational support. The total project cost is \$85,110. Physical therapy and cardiopulmonary stress testing services are currently offered at the facility.

Issued in Austin, Texas, on March 19, 1984

TRD-843165 Judith Monaco  
Assistant General Counsel  
Texas Health Facilities  
Commission

Filed March 19, 1984  
For further information, please call (512) 475-6940.



## Houston-Galveston Area Council Consultant Contract Award

**Compliance.** This notice of award of consulting services is filed under provisions of Texas Civil Statutes, Article 6252-11c. The request for consultant services to carry out the Houston-Galveston Area occupational demand survey was published in the December 30, 1983, issue of the *Texas Register* (8 TexReg 5543).

**Description of Project.** The project will be a telephone survey of approximately 1,900 businesses in the 13-county Houston-Galveston region. Products will include a list of 20 demand occupations in the region and training requirements employers associate with these occupations.

**Consultant.** The project will be conducted by Kent Tedin and Ray Duch, Center for Public Policy, University of Houston, Houston, Texas 77004, (713) 749-7111.

**Contract.** The contract begins March 15, 1984, and ends July 15, 1984. An interim report will be due on April 30,

1984, and the final product on or before June 29, 1984. The contract value is \$26,000.

Issued in Houston, Texas, on February 15, 1984

TRD-843058 Rodney Bradshaw  
Manager  
Employment and Aging Services  
Houston-Galveston Area Council

Filed: March 15, 1984  
For further information, please call (713) 627-3200.

## Texas Department of Human Resources Request for Proposals

The Services to Families and Children division of the Texas Department of Human Resources (DHR) invites prospective contractors to submit proposals to provide services to clients of the Region 06 Protective Services for Children Program. The program serves abused and neglected children and their families in Travis and adjacent counties. The department is seeking qualified providers to deliver the following services to clients: community-based treatment, including counseling; individual, family, and group therapy; parenting classes; recreation therapy; in-home counseling services; homemaker services; mental health services, including psychological testing and evaluations; psychiatric interviews and assessments; and psychological/psychiatric treatment.

The contracting period will be September 1, 1984-August 31, 1985, with an option to renew contracts for up to three more years.

Upon request, the department will provide an information/application packet to all interested parties. The packet includes information about requirements for the geographic area and client population to be served, available funding, and responsibilities, minimum qualifications, guidelines, and expectations of prospective contractors. Packets will be available 8 a.m.-5 p.m., from March 26, 1984-April 13, 1984, at DHR Region 06 Headquarters, 1300-B East Anderson Lane, Room 110-A, Austin, Texas 78761. The DHR will mail packets if requested by letter or phone call. To request a packet, or for further information, contact Steve Cearley, Contract Specialist, Texas Department of Human Resources, P.O. Box 15995, Austin, Texas 78761, (512) 835-2350, ext. 240.

An offerors conference will be held at 1 p.m. on Monday, April 9, 1984, in Room 139, at the Region 06 headquarters. The closing date for receipt of proposals is 5 p.m. on Monday, May 7, 1984. Proposals sent in the mail must be postmarked on or before May 7, 1984. Late submissions will not be considered. The DHR reserves the right to withdraw this request for proposals at any time.

Issued in Austin, Texas, on March 16, 1984

TRD-843149 Marlin W. Johnston  
Commissioner  
Texas Department of Human  
Resources

Filed: March 16, 1984  
For further information, please call (512) 441-3355,  
ext. 2037

## State Board of Insurance Company Licensing

The following applications have been filed with the State Board of Insurance and are under consideration:

(1) Application for admission to do business in Texas of Protective Service Life Insurance Company, Inc., a foreign life insurance company. The home office is in Jackson, Mississippi.

(2) Application for admission to do business in Texas of USLIFE Life Insurance Company of California, a foreign life insurance company. The home office is in Pasadena, California.

(3) Application for incorporation of Grammier-Oberle Life Insurance Company, to be a domestic life insurance company. The home office is proposed to be in Port Arthur.

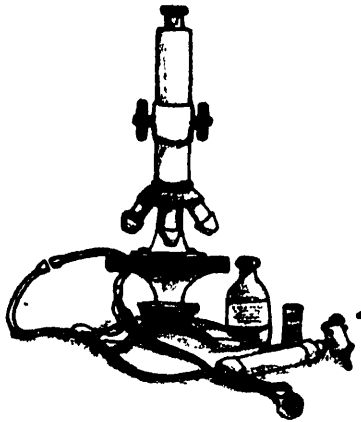
(4) Application for incorporation of Edwards Funeral Service Life Insurance Company, to be a domestic life insurance company. The home office is proposed to be in Austin.

(5) Application for incorporation of Continental Lloyd's Insurance Company, to be a domestic lloyds insurance company. The home office is proposed to be in Dallas.

Issued in Austin, Texas, on March 13, 1984

TRD-843047 James W Norman  
Chief Clerk  
State Board of Insurance

Filed: March 15, 1984  
For further information, please call (512) 475-2950.



## Texas Department of Mental Health and Mental Retardation Public Hearing

At the request of the Texas State Employees Union, the Texas Department of Mental Health and Mental Retardation (TDMHMR) announces a public hearing to be held to receive comments on a proposed rule governing client abuse and neglect in TDMHMR facilities (Texas Administrative Code, Title 25, Chapter 405, Subchapter O), published in the February 28, 1984, issue of the *Texas Register* (9 TexReg 1199).

The public hearing will be held at 10 a.m. on April 11, 1984, in the department's auditorium, 909 West 45th Street, Austin. Presentations may be time-limited at the discretion of the department.

Issued in Austin, Texas, on March 9, 1984

TRD-843083 Gary E Miller, M D  
Commissioner  
Texas Department of Mental  
Health and Mental Retardation

Filed: March 15, 1984  
For further information, please call (512) 465-4670.

## The Prosecutor Council Consultant Contract Award

Pursuant to Texas Civil Statutes, Article 6252-11c, the Prosecutor Council furnishes this notice of consultant contract award. The consultant proposal request appeared in the January 31, 1984, issue of the *Texas Register* (9 TexReg 592).

**Description of Services.** The consultant will provide a professional development course for prosecutor's investigators. The seminar will be presented March 26-30, 1984, in Austin.

**Name and Address of Consultant.** The consultant is the Texas District and County Attorneys Association, 1210 Nueces Street, Suite 200, Austin, Texas 78701.

**Contract Value and Period.** The total value of the contract is \$17,500. The beginning date of the contract was March 6, 1984, and the ending date is three years after payment or until all questions arising from this contract are resolved.

**Due Dates of Documents.** All documents, films, recordings, or reports of the intangible results of the services performed by the consultant shall be available to the Prosecutor Council on or before April 2, 1984.

Issued in Austin, Texas, on March 13, 1984

TRD-843966 Andy Shuval  
Executive Director  
Prosecutor Council

Filed: March 14, 1984  
For further information, please call (512) 475-6825.

## Public Utility Commission of Texas Consultant Contract Awards

This consultant contract award is filed under the provisions of Texas Civil Statutes, Article 6252-11c. The consultant proposal request was published in the January 13, 1984, issue of the *Texas Register* (9 TexReg 359).

**Description of Project.** The project will identify current and future information requirements of the commis-

son, identify alternatives for meeting those requirements, and provide a final written report on the recommended long-range information systems plan.

**Name and Address of the Consultant.** The consultant is Lifson, Herrman, Blackmarr, and Harris, One Turtle Creek Village, Suite 606, Dallas, Texas 75219

**Total Value and Dates of Contract.** The term of this contract began March 5, 1984, and shall terminate on June 1, 1984, and will not exceed \$30,000

**Due Dates of Documents.** All drafts and reports prepared by the consultant under this contract shall be submitted upon completion throughout the period of performance of this contract

Issued in Austin, Texas, on March 13, 1984

TRD-843048 Rhonda Colbert Ryan  
Secretary of the Commission  
Public Utility Commission of  
Texas

Filed: March 15, 1984  
For further information, please call (512) 458-0100

This consultant award is filed under the provisions of Texas Civil Statutes, Article 6252-11c. The consultant proposal request was published in the January 13, 1984, issue of the *Texas Register* (9 TexReg 359).

**Description of Project.** The project includes development, production, and release of a statewide multimedia campaign designed to inform residential consumers on specific methods for controlling their energy usage

**Name and Address of the Consultant.** The consultant is Korba, Helfert, and Zabel, Inc., 1135 West Sixth Street, Suite 120, Austin, Texas 78703

**Total Value and Dates of Contract.** The contract began March 7, 1984, and will not exceed \$263,530.

**Due Dates of Documents.** All reports and deliverables prepared by the consultant under this contract shall be submitted upon completion throughout the period of performance of this contract

Issued in Austin, Texas, on March 15, 1984

TRD-843089 Rhonda Colbert Ryan  
Secretary of the Commission  
Public Utility Commission of  
Texas

Filed: March 16, 1984  
For further information, please call (512) 458-0100

## Texas Tourist Development Agency Consultant Contract Awards

This consultant contract award is filed in accord with the provisions of Texas Civil Statutes, Article 6252-11c. The

consultant proposal request appeared in the December 30, 1983, issue of the *Texas Register* (8 TexReg 5545)

The study is providing data that will become the baseline for future tracking studies measuring consumer attitudes and behavioral patterns relative to Texas as a travel destination. It will measure quantitatively and qualitatively the consumer's image of Texas as a vacation destination, the impact of advertising on imagery, actual visitation patterns; and the impact of lifestyle on travel behavior

The name and business address of the private consultant selected is Professional Marketing Services (PROMARK), 1100 Northwest Loop 410, Suite 400, San Antonio, Texas 78213.

The study will be done for \$28,500. Total funds will come from the fiscal year 1984 legislative appropriation to the agency from the state general revenue fund. The contract began March 13, 1984, and ends April 12, 1984. Due date of the study is April 12, 1984.

Issued in Austin, Texas, on March 13, 1984

TRD-843015 Frank Hildebrand  
Executive Director  
Texas Tourist Development  
Agency

Filed: March 14, 1984  
For further information, please call (512) 475-4326

This consultant contract award is filed in accord with the provisions of Texas Civil Statutes, Article 6252-11c. The consultant proposal request appeared in the December 30, 1983, issue of the *Texas Register* (8 TexReg 5546).

The study is providing reliable statistical information concerning the annual volume of visitors to Texas, their geographical sources (both international and domestic), trip purpose, and other relevant data that can be used for the Texas Tourist Development Agency's marketing activities for calendar year 1984.

The name and business address of the private consultant selected is Pannell Kerr Forster, 420 Lexington Avenue, New York, New York, 10170.

The basic study will be done at a cost of \$38,500. An additional \$5,000 will be budgeted for out-of-pocket expenses (data processing, printing, telephone calls, and the like). The cost of the project will total \$43,500 to be paid for from state money appropriated by the legislature from the general fund. The contract began March 13, 1984, and concludes December 31, 1984.

Four quarterly reports for calendar year 1984 will be submitted as soon as possible after the closing date of each period (March, June, September, December).

Issued in Austin, Texas, on March 13, 1984

TRD-843016 Frank Hildebrand  
Executive Director  
Texas Tourist Development  
Agency

Filed: March 14, 1984  
For further information, please call (512) 475-4326

## **Texas Department of Water Resources Consultant Proposal Request**

Pursuant to 31 TAC §355.103, and Texas Civil Statutes, Article 6252-11c, the Texas Department of Water Resources announces a consultant proposal request to do applied research. The purpose of this proposed research project is to design, construct, and operate a pilot instream aeration system and to determine the feasibility and economic cost of instituting full-scale operation of instream aeration in the Houston Ship Channel. The project will be broken into two phases: the pilot studies and the feasibility study.

**Phase 1—Pilot Studies.** The specific project objectives of the pilot studies will include:

(1) selection of the most feasible method of instream aeration for maintaining acceptable dissolved oxygen levels in the Houston Ship Channel under low flow conditions as well as during stormwater events. Extensive information concerning the various instream aeration alternatives is contained in the report "Instream Aeration on the Houston Ship Channel," Document 78119, Espey, Huston, and Associates, Inc., Austin, Texas, August 1978. Consideration should be given to the selected alternative proposed in that report,

(2) design of a pilot aeration plant(s) with a minimum transfer capacity of at least 3,000 pounds of oxygen per day. The pilot plant(s) should be designed with the flexibility necessary to meet the testing objectives defined below and to maximize oxygen transfer. A mobile version may be appropriate during pilot studies to provide the required flexibility. All pilot studies must be designed to avoid potential interference with ship traffic,

(3) determination of representative site location(s) for the pilot studies that will allow evaluation of the system capabilities,

(4) construction of the pilot plant in accordance with the design criteria. All construction problems should be identified and justification provided for all design changes,

(5) initial operation, testing, and optimization of the equipment to provide maximum transfer efficiencies. Identify factors which affect efficiencies and all operational problems. Should testing indicate that the chosen alternatives are unable to achieve expected transfer efficiencies, it may be necessary to reevaluate other instream aeration systems,

(6) extensive operation and testing of the pilot plant under a variety of conditions that will provide an examination of overall oxygen transfer performance. Design and institute field studies to determine oxygen transfer efficiencies and the impact of instream aeration on the near field and far field dissolved oxygen distribution in the channel. Mixing across the channel cross-section, longitudinal transport, and long-term operating characteristics should be evaluated. Operations should be tested under both critical steady-state low flow conditions and non-steady-state high flow conditions, and

(7) analysis of system capabilities based on the results of pilot testing. Evaluate if the pilot plant design is the most effective. Indicate factors and design elements neces-

sary to design full-scale operations. Identify any potential problem areas. Include an analysis of the capital and operations and maintenance costs of the pilot plant.

**Phase 2—Feasibility Study.** This phase of the project will determine the feasibility and economic costs involved in full-scale operation of an instream aeration system. Completion of this phase will be dependent on data gathered in the Phase 1 pilot studies and on the results of two other independent studies relating to nonpoint sources and institutional requirements that will occur concurrently with the Phase 1 pilot studies. The nonpoint study will determine the sources and magnitude of loadings during representative flow conditions. It will be administered by the Houston-Galveston Area Council and funded through the Water Quality Management Planning Program, with a final completion date prior to June 1, 1986. The institutional requirements study will evaluate the legal and institutional issues relating to instream aeration in Texas. It will be conducted by the Policy Research Institute of the University of Texas and funded through interagency contract with a final completion date prior to December 1, 1985. The specific project objectives of the feasibility study will include:

(1) determination if the maintenance of acceptable dissolved oxygen levels in the Houston Ship Channel can be accomplished through instream aeration and if it is feasible from an engineering standpoint,

(2) conceptual design of a full-scale instream aeration system necessary to meet water quality standards in the Houston Ship Channel. The design, including sizing requirements and land requirements, should be based on the pilot studies, nonpoint source findings, and potential treatment levels to be achieved by wastewater dischargers,

(3) estimation of the capital costs, including land and the operation and maintenance costs of full-scale operations,

(4) determination of the administrative costs of managing an instream aeration system based on the results of the institutional requirements study,

(5) analysis of the economic impact on industry and domestic dischargers as well as ratepayers,

(6) examination and analysis of primary and secondary environmental impacts from instituting instream aeration, including needed safety factors or backup measures necessary to prevent environmental damage which may result from mechanical failures, and

(7) development of a proposed implementation plan incorporating all previously developed information.

**Description of Funding Considerations.** Funds from the State of Texas water assistance fund will be available to support this research project. The Texas Water Development Board has authorized an amount not to exceed \$450,000 to be committed to the study. Private and public local interests have, at a minimum, committed another \$50,000 in cash and \$767,102 in in-kind services. To the extent possible, utilization of in-kind services, as described in Attachment A, is encouraged in the development of proposals for this study. All proposals to be submitted should include a discussion of how the local funds and services can be utilized most cost-effectively in the completion of the study. More detailed budgetary information



on allowances will be negotiated in the development of a contract for this study.

**Evaluation and Selection of Proposals.** Upon receipt, proposals will be referred to the department staff member responsible for the specific problem area in which the proposal is submitted. The responsible department staff member will review each proposal and forward the proposals to an impartial group of technical experts (as described in 31 TAC §355.104(b), relating to evaluation and selection of proposals) for evaluation.

An advisory committee(s) of technical experts will be appointed by the executive director to assist in the review and evaluation of research and planning proposals. Advisory committee members will be selected to minimize potential conflicts of interest while maintaining the highest available level of expertise in the proposal area. Advisory committee members will be required to indicate potential conflicts of interest so that evaluations can be weighed accordingly. For protection of proprietary information, evaluators will sign statements of confidentiality.

In addition to providing specific comments, each of the evaluators will rate the proposals in the following categories, where appropriate.

- (1) degree to which the proposal is responsive to the overall purpose and funding criteria and/or the specific purpose of an individual solicitation,
- (2) qualifications of project staff,
- (3) reasonableness of proposed budget and time schedule,
- (4) use of in-kind services;
- (5) program organization and management, including project monitoring procedures;
- (6) adequacy of the proposed technical scope of work;
- (7) directly related project and staff experience; and
- (8) other information as may be required for a specific project.

Each responsible department staff member will prepare for the executive director a summary of all proposals submitted in his project area, a summary of the evaluations, and identification of potential conflicts of interest.

On the basis of this information and his/her own investigation, the executive director will make recommendations to the Texas Water Development Board relative to those proposals that meet the requirements for funding. Upon approval of the board, the executive director will be authorized to enter into contract arrangements with the proposing party.

The deadline for proposal submission is April 25, 1984. Inquiries should be addressed to the Executive Director, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711.

**Detailed Guidelines for Proposal Contents.** The proposal format is designed to ensure sufficient information for evaluation, but the staff reserves the right to request further information if necessary. Voluminous proposals are neither necessary nor desired due to staff and budgetary limitations. A maximum of 10 double-spaced, typed pages, excluding appendices, should ordinarily be adequate. Unless otherwise indicated with regard to a specific solicitation, 10 copies of the full proposal

must be delivered to the executive director's office on or before the submission deadline for the proposal to receive consideration under a given announcement. Proposals should contain the following information:

- (1) project classification including either:
  - (a) project title and number as listed in the specific request for proposal; or
  - (b) category title, if not addressing a specific identified project, in which case the proposal should include a statement of how the project meets the fund criteria stated in 31 TAC §355.101, relating to criteria for funding;
- (2) discussion of how the proposer intends to fulfill the requirements of the project, including an identification of the potentials for or plans to incorporate and use proprietary information and any subcontracts planned;
- (3) use of in-kind services indicating amount and sources;
- (4) resumes of principals and subcontractors (including names, addresses, and phone numbers) and a summary of pertinent experience of the proposing organization;
- (5) site(s) of the proposed project;
- (6) time schedule for work to be performed by principals and subcontractors,
- (7) itemized budget, including fringe benefit costs, profit margin, and indication of availability of matching funds;
- (8) list of products (reports, plans, or other products) the department will receive and completion dates;
- (9) suggested monitoring procedures; and
- (10) other information as indicated by specific project descriptions.

**Eligible Proposers.** To assure equitable distribution of the funds and to avoid a conflict of interest, the following criteria are established for acceptability of proposers. Texas-based proposers will be given priority consideration, and only in unusual circumstances will this priority be disregarded. Individual members of the Texas Water Development Board, department staff members, or their immediate families are not eligible. Members of the pool of technical experts are eligible to submit research proposals, in which case their participation in the evaluation process will be appropriately limited. Because of the magnitude and scope of this project, joint ventures may be appropriate.

**Contact Person.** For further information, please contact Dr. Clyde E. Bohmfalk, Chief, Water Quality Management Section, Construction Grants and Water Quality Management Division, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711.

**Statement of Contract Terms and Required Completion Date.** A professional services contract between the contractor and the department will be drawn. Contracts entered into shall contain terms and conditions considered appropriate to protect the interests of the state and those of the contractor.

Private contractors will be paid on a fixed contract amount basis in most cases; however, consideration will be given to special circumstances requiring some other basis of compensation. Unless otherwise provided, pay-

ment for services rendered shall be upon completion of predetermined phases of the project and after certification by the contract monitor. In instances in which more frequent payments are requested due to the nature of the work performed or the condition of the contractor, a case-by-case review will be made and appropriate accommodations provided when possible.

Contractors shall maintain satisfactory financial accounts, books, papers, documents, and records, and shall make them available for examination and audit by the staff of the Texas Department of Water Resources and other authorized representatives of the state. These materials shall be retained by the contractor for three years following final payment and termination of the contract. Accounting by contractors shall be in a manner consistent with generally accepted accounting procedures.

All capital equipment purchased with contract funds becomes the property of the department. All computer programs and/or models that are developed are to be installed on the department's computer for use by department staff and others, as appropriate.

A contract technical monitor will be designated from among the department staff for each contract. This person will be responsible for monitoring the progress of the contract to assure that the Texas Department of Water Resources is receiving satisfactory performance of the contract terms. Contract progress reports will be submitted by the contractor at scheduled intervals during the contract period. The requirements and dates for each progress report will be identified. The contractor will be required to submit a draft final written report for review and evaluation on or before the termination date of the contract. The department will review the draft final report within 30 days, and the contractor will have 30 days to respond to department comments and submit a final report. When agreement is reached as to final report form and content, the contractor will be required to submit a camera-ready original and 25 copies of the final report, which shall then be the basis for final payment authorization. Completion date for Phase 1 is December 31, 1986, and December 31, 1987, for Phase 2.

**Dissemination of Results.** Results of all projects completed under contract with the agency will be submitted in the form of a written report or other printed material (including data, charts, computer programs, maps, or drawings) which will then become public information. Contractors will be available for brief presentations of results as required by the department. When the final result includes a demonstration, specific hardware, or a proprietary process, provisions will be made on a case-by-case basis. In general, it is expected that the results of research and planning projects funded by this program will be made accessible for public use as appropriate. Specific provisions will be made in each contract to cover this contingency initially, as well as to establish eventual ownership at the conclusion of a period of monitoring and/or accessibility.

If federal, private, university, or other state agency funding is also used for completion of a project, public availability of results, patent application authority, and terms of monitoring, inspection, and ownership will be negotiat-

ed with all involved parties in accordance with the applicable federal and state regulations.

In the absence of statutory or contractual limitations, the contractor may apply for patents on any discoveries made through his project. If the contractor does not wish to make the application, he shall notify the contract monitor, and the state may request and receive title to the discovery. If the contractor receives a patent, the State of Texas and its political subdivisions shall be entitled to an irrevocable, nonexclusive, royalty-free license to use for governmental purposes under the patent.

#### **Attachment A**

##### **Available Local Funds and Services**

(A) The Greater Houston Home Builders Association, (*et al*) have committed a cash amount of \$50,000 for use in the completion of this study.

(B) The City of Houston has committed in-kind services valued at \$513,902 (\$256,951/year for two years) and a cash amount, if necessary, of up to \$100,000. The in-kind services include:

(1) analytical services (valued at \$112,000/year),  
(2) office space (valued at \$13,723/year)—600 square feet at 198 Hirsch Street and 600 square feet at the Northside wastewater treatment plant,

(3) warehouse space (valued at \$2,520/year)—1,000 square feet at 196 Hirsch Street,

(4) air boats (valued at \$39,000/year)—two trailer-mounted air boats (at \$375/day each),

(5) trailer (valued at \$24,000/year)—a mobile trailer (valued at \$2,000/month) with installed electronic test equipment;

(6) dockage (valued at \$4,080/year)—docking facility (valued at \$340/month) for work boat or tug and barge, located on Buffalo Bayou at the 69th Street wastewater treatment plant,

(7) sampling personnel (valued at \$54,316/year)—one sampler to serve full time with the study group and two samplers to serve part-time;

(8) communications (valued at \$2,160/year)—telephone service (six telephones at \$30 each/month) available at 196 and 198 Hirsch Street and the Northside wastewater treatment plant, also portable radios are available; and

(9) furniture (valued at \$5,152/year)—six desks (at \$28 each/month), six chairs (at \$33 each/month), and six filing cabinets (at \$10 each/month)

(C) The Gulf Coast Waste Disposal Authority has committed in-kind services valued at \$253,200 (\$126,600/year for two years) for use in the completion of this study. The in-kind services include:

(1) analytical services (valued at \$75,600/year),

(2) computer services (valued at \$34,500/year)—data entry, data array, format development, statistical evaluation, and printouts,

(3) storage, work, and staging areas (valued at \$7,000/year)—enclosed, lighted building with workshop capability located adjacent to the Houston Ship Channel (20,000 square feet). Also, open area for assembly and storage adjacent to the ship channel. This area includes utilities;

(4) office space (valued at \$5,500/year)—office space (1,500-2,000 square feet), with toilets, etc., located

at storage and work area location, and includes utilities;  
and

(5) dockage (valued at \$4,000/year)—facility for  
barge docking on ship channel.

(D) other (to be determined)

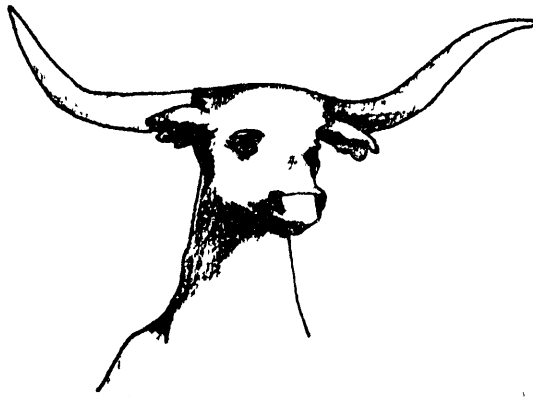
Issued in Austin, Texas, on March 15, 1984.

TRD-843162

Susan Plettman  
General Counsel  
Texas Department of Water  
Resources

Filed March 19, 1984

For further information, please call (512) 475-7845.





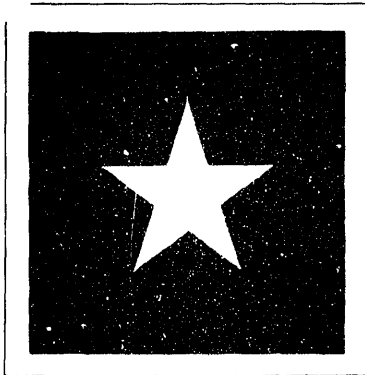
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