

SS00.6
R263
4/66 c.3

TEXAS STATE LIBRARY

SEP 11 1979

TEXAS DOCUMENTS

TEXAS REGISTER

In This Issue...

Texas Education Agency adopts emergency rules concerning governing boards of the Texas Schools for the Blind and Deaf; effective date—August 23..... 3127

Emergency amendments adopted by the Texas Department of Human Resources affecting the Early and Periodic Screening, Diagnosis, and Treatment Program and the Hearing Aid Program; effective date—September 1..... 3128

Water Development Board adopts emergency rules and amendments concerning hearing requirements; effective date—August 24..... 3137

New rules in the Primary Home Care Program proposed by the Texas Department of Human Resources; proposed date of adoption—October 5..... 3140

Department of Mental Health and Mental Retardation adopts rules concerning the quality assurance program; effective date—September 14..... 3151



Office of the Secretary of State

In this issue, the Texas Department of Human Resources proposes new rules concerning the Title XIX Primary Home Care Program. The program is designed to avoid inappropriate institutionalization by providing medically prescribed and supervised assistance with activities of daily living to eligible aged, blind, and disabled adults. To ensure the success of this program, the proposed rules describe in detail the eligibility requirements, the application procedures, the nature of the contract with home health care agencies which provide the care, and the standards these agencies must maintain to participate in the program.

The Texas Education Agency has adopted, on an emergency basis, rules which will permit new governing boards of the Texas School for the Blind and the Texas School for the Deaf to begin functioning as soon as possible. Three members who are blind, three members who are parents of blind persons, and three members who are experienced in working with blind persons will compose the governing board of the Texas School for the Blind. Similarly, three members who are deaf, three members who are parents of deaf persons, and three members who are experienced in working with deaf persons will compose the governing board of the Texas School for the Deaf. The board members are nominated by the State Board of Education, appointed by the governor, and confirmed by the senate.

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

Artwork: Gary Thornton

TEXAS REGISTER

The *Texas Register* (ISSN 0362-4781) is published twice weekly, at least 100 times a year, except March 9, June 1, November 27, and December 28, by the Texas Register Division, Office of the Secretary of State, 201 East 14th Street, P.O. Box 12887, Austin, Texas 78711, telephone (512) 475-7886. The *Register* contains executive orders of the governor, summaries of attorney general's opinions and summaries of requests for opinions, emergency rules, proposed rules, and adopted rules of state agencies; notices of open meetings; and miscellaneous notices of general interest to the public of Texas. Subscriptions are \$25 for one year. Back issues, when available, are \$1.00 each.

Material in the *Texas Register* is the property of the State of Texas. However, it may be copied, reproduced, or republished by any person for any purpose whatsoever without permission of the Texas Register Division director provided no such republication shall bear the legend "Texas Register" or "Official" without the written permission of the director, Texas Register Division. Published under the Texas Civil Statutes, Article 6252.13a. Second-class postage is paid at Austin, Texas, and additional entry offices.

POSTMASTER: Please send Form 3579 changes to the Texas Register, P.O. Box 12887, Austin, Texas 78711.

HOW TO CITE: Material published in the *Texas Register* is referenced by citing the volume in which a document appears, the words "TexReg," and the beginning page number on which that document was published. For example, a document published on page 2404 of Volume 4 is cited as follows: 4 TexReg 2404

Texas Register Division

Linda Camp
Charlotte Scroggins
Suki Gras

Bill Lalla, Director
Gail Myrick
Linda Garrett
Lillian Stiles

Lindy Whittington
Karrie Key
Michael Medearis



George W. Strake, Jr.
Secretary of State

The Attorney General

Requests for Opinions

- 3126 *RQ-151 (concerning whether location of registered bee yards is excepted from the Open Records Act)*
- 3126 *RQ-152 (concerning whether an elected public official serving on the Board of Directors of the South Texas Development Council can designate a nonelected person to serve as his alternate)*
- 3126 *RQ-153 (concerning whether the board of trustees of a school district can authorize payment of expenses incurred by relatives of school board members attending board-related activities)*

Emergency Rules

Texas Education Agency

- 3127 *Texas School for the Blind and Texas School for the Deaf*

Texas Department of Human Resources

- 3128 *Early and Periodic Screening, Diagnosis, and Treatment*
- 3129 *Hearing Aid Program*

Texas State Board of Medical Examiners

- 3132 *Schedule of Fees*

Teacher Retirement System of Texas

- 3133 *Membership Credit*
- 3135 *Termination of Membership and Refunds*
- 3135 *Benefits*
- 3136 *Employment after Retirement*

Texas Water Development Board

- 3137 *Waste Discharge Permits*

Proposed Rules

State Board of Barber Examiners

- 3139 *Practice and Procedure*

Texas Education Agency

- 3139 *Texas School for the Blind and Texas School for the Deaf*

General Land Office

- 3139 *Energy Resources*

Texas Historical Commission

- 3140 *Historical Marker Policies*

Texas Department of Human Resources

- 3140 *Primary Home Care*
- 3144 *Alternate Care for Aged, Blind, and Disabled Adults*

Texas Water Development Board

- 3146 *Effluent Standards*

Adopted Rules

Comptroller of Public Accounts

- 3150 *Tax Administration*

Texas State Board of Medical Examiners

- 3151 *Licensure by Examination*
- 3151 *Applications*

Texas Department of Mental Health and Mental Retardation

- 3151 *Client (Patient) Care*

Texas State Board of Examiners of Psychologists

- 3154 *Applications*
- 3154 *Practice*
- 3155 *Specialty Certification*

Open Meetings

- 3156 *Texas Air Control Board*
- 3156 *State Aircraft Pooling Board*
- 3156 *State Banking Board*
- 3157 *State Board of Barber Examiners*
- 3157 *Coordinating Board, Texas College and University System*
- 3157 *Texas Court Reporters Committee*
- 3157 *State Board of Education*
- 3158 *Texas Education Agency*
- 3159 *Finance Commission of Texas*
- 3159 *General Land Office*
- 3159 *Office of the Governor*
- 3159 *Texas Health Facilities Commission*
- 3160 *Texas Historical Commission*
- 3160 *State Board of Insurance*
- 3161 *Lamar University*
- 3161 *Library Systems Act Advisory Board*
- 3161 *Merit System Council*
- 3161 *Texas Municipal Retirement System*
- 3162 *Board of Pardons and Paroles*
- 3162 *Texas State Board of Public Accountancy*
- 3162 *Public Utility Commission of Texas*
- 3162 *Railroad Commission of Texas*
- 3163 *Advisory Council for Technical-Vocational Education in Texas*
- 3164 *Board for Lease of University Lands*
- 3164 *Texas Water Commission*
- 3165 *Regional Agencies*

In Addition

Department of Banking

- 3166 *Applications to Purchase Control of State Banks*

State Bar of Texas

- 3166 *Basic Estate Planning and Probate for the General Practitioner*

Comptroller of Public Accounts

- 3166 *Administrative Decision*

Texas Health Facilities Commission

- 3166 *Applications for Exemption Certificate, Declaratory Ruling, and Administrative Order*

Texas Department of Human Resources

- 3167 *Public Hearing Notice*

Texas Register

- 3167 *Correction of Error*

Article 4399, Vernon's Texas Civil Statutes, requires the attorney general to give written opinions to certain public officials. The Texas Open Records Act, Article 6252-17a, Section 7, Vernon's Texas Civil Statutes, requires that a governmental body which receives a request for release of records seek a decision of the attorney general if the governmental body determines that the information may be withheld from public disclosure. Opinions and open records decisions issued under the authority of these two statutes, as well as the request for opinions and decisions, are required to be summarized in the *Texas Register*.

Copies of requests, opinions, and open records decisions may be obtained from the Opinion Committee, Attorney General's Office, Supreme Court Building, Austin, Texas 78701, telephone (512) 475-5445.

Requests for Opinions

Summary of Request for Opinion RQ-151

Request from James B. Bond, general counsel, Texas A & M University System, College Station.

Summary of Request: Is the specific location of registered bee yards within a county excepted from required public disclosure under Section 3(a)(4) or 3(a)(10) of Article 6252-17a, Vernon's Texas Civil Statutes, the Texas Open Records Act?

Doc. No. 795525

Summary of Request for Opinion RQ-152

Request from Richard Morales, Sr., county attorney, Webb County.

Summary of Request: Can an elected public official designated by his governmental unit to serve on the Board of Directors of the South Texas Development Council legally designate a nonelected person to serve as his alternate in the absence or inability of the elected official to attend a board meeting?

Doc. No. 795508

Summary of Request for Opinion RQ-153

Request from Rene A. Guerra, criminal district attorney pro tem, Hidalgo County.

Summary of Request:

(1) Is it legal for a board of trustees of an independent school district to authorize the payment of expenses incurred by relatives of school board members or other persons who accompany the members to board-related activities although they are not on the school board themselves or employed by the school district?

(2) Assuming the board of trustees has already made payments for expenses incurred by nonboard members, should the school board members who claim the expenses be required to reimburse the independent school district for such monies paid?

(3) If reimbursement is required of the school board members, should it be limited to the present board members who claimed expenses on behalf of nonschool board relatives or other persons who accompanied them to board-related activities or should the reimbursement be required of school board members who served prior terms and also claimed similar expenses?

Issued in Austin, Texas, on August 22 & 23, 1979.

Doc. No. 795509

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

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



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

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

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

Texas Education Agency

Texas School for the Blind and Texas School for the Deaf

Governance 226.81.01

The Texas Education Agency has adopted Rules 226.81.01.010, .020, .030, .040, and .050, concerning governance of the Texas School for the Blind and the Texas School for the Deaf on an emergency basis. Senate Bill 1156, passed by the 66th Legislature, brought about changes in the governance structure for the Texas School for the Blind and the Texas School for the Deaf. The new governance structure calls for each school to be governed by a nine-member board. Board members are nominated by the State Board of Education, appointed by the governor, and confirmed by the senate.

The new rules set out procedures for the selection of board members and the purposes for the schools. Rule .030 establishes a system of central services. Rule .040 addresses the route of appeal from decisions of the governing boards of the schools or the committee for central services operations. Rule .050 provides for organizational meetings and orientation for new board members. These rules have been adopted on an emergency basis in order to permit the two boards to begin functioning as soon as possible.

These rules are promulgated under the authority of Sections 11.03, 11.031, 11.06, and 11.061, Texas Education Code.

.010. *Authorization in General.*

(a) Policy.

(1) The Texas School for the Blind and the Texas School for the Deaf, established by law, shall be governed by separate boards consisting of nine members. The governing board for the Texas School for the Blind will be composed of three members who are blind persons, three members who are parents of blind persons, and three members who are experienced in working with blind persons. The governing board for the Texas School for the Deaf will be composed of three members who are deaf persons, three members who are parents of deaf persons, and three members who are experienced in working with deaf persons.

(2) The State Board of Education shall nominate three persons for each of the nine positions of the two governing boards. From the list of nominees approved by the State Board of Education, the governor shall make the appointments in accordance with statutes. The appointments shall be confirmed by the senate. In the event of a vacancy on either of the governing boards, the appointment process as specified will be followed.

(3) Except as provided for the initial appointees, members of the board serve for terms of six years, with the terms of three members expiring on January 31 of each odd-numbered year. In making the initial appointments, the governor shall designate three members to serve for terms expiring in 1981, three in 1983, and three in 1985. The initial appointments shall be made in such a manner that the different categories of persons to serve on the board will also be staggered as to length of their terms.

(4) Members of the board serve without salary but are entitled to reimbursement for actual and necessary expenses incurred in carrying out official duties.

(5) The schools shall, within the limits set by statutes and policies of the State Board of Education, function as independent school districts.

(b) Administrative procedure. (Reserved for expansion.)

.020. *Purpose for the Schools.*

(a) Policy. The schools are constituted, funded, and operated for the following functions and purposes in concert with the statewide comprehensive programs for the visually handicapped and hearing impaired:

(1) to provide educational services on a day or residential basis to blind and deaf students for whom adequate educational opportunities are unavailable in their local or regional programs;

(2) to provide short-term services to blind and deaf students so that they may be better able to benefit from educational services available in their local communities;

(3) to serve multiply handicapped blind and deaf students who cannot be effectively assisted through community programs but whose developmental capacities are such that they should not be admitted to residential institutions operated by the Texas Department of Mental Health and Mental Retardation;

(4) to serve as a primary resource to school districts for promoting excellence in educational services for visually handicapped and hearing-impaired students;

(5) to serve as a training and staff development resource for those at the community level who are involved in providing educational and related services to visually handicapped and hearing-impaired students; and

(6) to serve as a research and demonstration facility to improve methods of providing educational services to meet the current and future educational needs of visually handicapped and hearing-impaired students.

(b) Administrative procedure. (Reserved for expansion.)

.030. *Central Services.*

(a) Policy.

(1) In order to provide an effective and economic operation for the Texas School for the Blind and the Texas School for the Deaf, a centralized service shall be operated. Central services will provide accounting, other business office services, warehousing, maintenance, and other services as specified.

(2) Central services shall be under the policy direction of a committee composed of one member from the State Board of Education, appointed by the chairman of the State Board of Education, and the chairman from each of the governing boards for the Texas School for the Blind and the Texas School for the Deaf. The member from the State Board of Education shall serve as chairman of the committee. In the event of a vacancy on the committee for central services, the chairman of the State Board of Education will appoint the person to fill the vacancy.

(3) Central services shall be under the general direction of a director recommended by the committee through the commissioner of education and confirmed by the State Board of Education.

(4) The committee shall establish general policy for the operation of central services as well as other rules and regulations as necessary for the committee's efficient operation.

(5) The State Board of Education shall act upon appropriate requests, adopt budgets and budget amendments, and from time to time receive and act upon other reports relating to the effective and economic operations of the schools as well as other general accountability reports.

(b) Administrative procedure. (Reserved for expansion.)

.040. Appeals and Review.

(a) Policy.

(1) Actions of the governing board for the Texas School for the Blind or the governing board for the Texas School for the Deaf or the committee for central services operations may be appealed through the commissioner of education to the State Board of Education.

(2) The State Board of Education or a committee of the board shall from time to time review fiscal matters pertaining to the Texas School for the Blind, the Texas School for the Deaf, or Central Services. The State Board of Education or committee of the board may from time to time review activities, as authorized by statute, of either of the governing boards.

(b) Administrative procedure. (Reserved for expansion.)

.050. Organizational Meetings.

(a) Policy. The chairman of the State Board of Education shall, after the governor has appointed the governing board for the Texas School for the Blind and the governing board for the Texas School for the Deaf, establish the day, date, time, and place for the orientation and organizational meeting of the governing boards. The chairman of the State Board of Education shall designate the person to serve as chairman of each of the governing boards. As new members are appointed to the governing boards, the chairman of the State Board of Education shall designate the time and place for orientation meetings prior to new members assuming their responsibilities.

(b) Administrative procedure. (Reserved for expansion.)

Issued in Austin, Texas, on August 23, 1979.

Doc. No. 795506 M. L. Brockette
Commissioner of Education

Effective Date: August 23, 1977

Expiration Date: December 21, 1979

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

Texas Department of Human Resources

Early and Periodic Screening, Diagnosis, and Treatment

The Department of Human Resources adopts on an emergency basis amendments to certain rules about periodicity in its Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Program rules. Because of EPSDT penalty regulations effective October 1, 1979, and budgetary restrictions imposed on the program for fiscal years 1980-81, rules relating to periodicity must be amended. Eligible recipients may no longer receive annual medical and dental screening services upon request. The periodicity schedule controls a client's access to services. Because of the recent funding limitations in the EPSDT Program, the department must ensure that such access to services does not result in overexpenditures and severe reduction of services or possible discontinuation of the program. Service reduction or program discontinuation would jeopardize the health, safety, and well-being of eligible Medicaid recipients; therefore, the department is adopting the amendments on an emergency basis.

Definitions 326.39.20

The following amendments are adopted under the authority of the Human Resources Code, Chapter 32, to be effective September 1, 1979.

.003. Medical Screening.

(a) Screening services are available once during each of the following time periods [Periodic medical screening is defined by DPW as]:

(1) *first month of life* [annually for eligible recipients under age six];

(2) *one month to one year old* [every three years for eligible recipients age six to 21 years];

(3) *one to two years old (starts with first birthday)* [annually for all eligible recipients under age 21 who request medical screening services];

(4) *two to three years old;*

(5) *three to four years old;*

(6) *four to five years old;*

(7) *five to six years old;*

(8) *six through eight years old (starts with sixth birthday);*

(9) *nine through 11 years old;*

(10) *12 through 14 years old;*

(11) *15 through 17 years old;*

(12) *18 through 20 years old.*

(b) Routine dental services are available once from three to six years old.

(c)(b) DHR [DPW] has authorized an exception to [its] periodicity when state or federal requirements for eligible children entering Headstart, foster care, and day care programs require [involve] medical screening or dental examination at times when the client may not be periodically eligible [during periods that may not be parallel with the periodicity schedule]. EPSDT workers and their supervisors will determine when such requests are justified.

.004. Dental Examination and Treatment.

(a) Periodic dental examination and treatment are authorized, with prior approval[:

(1) *once every three years from the date of last dental service* for eligible recipients under age 21.

(2) *annually for eligible recipients under age 21 who request dental examination and treatment services.*]

(b)-(d) (No change.)

Doc. No. 795571

Medical Phase 326.39.31

The following amendments are adopted under the authority of the Human Resources Code, Chapter 32, to be effective September 1, 1979.

.001. Medical Screening.

(a) (No change.)

(b) *The following screening services will be available to clients:*

(1) *health and developmental history;*

(2) *unclothed physical examination;*

(3) *developmental assessment;*

(4) *immunizations appropriate for age and health history;*

(5) *assessment of nutritional status;*

(6) *vision testing;*

(7) *hearing testing;*

(8) *laboratory procedures appropriate for age and population groups;*

(9) *for children three years of age and over, dental services furnished by direct referral to a dentist for diagnosis and treatment.*

Doc. No. 795573

Dental Program Benefits 326.39.44

The following amendments are adopted under the authority of the Human Resources Code, Chapter 32, to be effective September 1, 1979.

.009. Exception to Periodicity. The following steps for justifying and facilitating an exception to [the 12-month] periodicity were developed in cooperation with the Texas Department of Health. If, during medical screening, a recipient is found to have an obvious need for dental care, the screening nurse indicates this on the Report of Medical History and Screening form. The recipient is referred to a DHR worker who takes the following action: To ensure that periodicity will be waived [(when a recipient has received dental services within the last 12 months)], a separate Request for Dental Services form for the referred recipient is prepared by the worker. A special notice is printed or typed on the left edge of the bottom third of the form, "Dental problems discovered during medical screening." Each card submitted to the Texas Department of Health with this notice receives special handling, and if the recipient is still eligible, may receive special approval. A special notice is printed at the bottom of each card: "Approved. Due to prior service, please attach this card to invoice when submitting for payment." The provider must keep the card or a copy and attach it to the Dentist's Statement form.

Doc. No. 795572

Hearing Aid Program

The Department of Human Resources adopts on an emergency basis the repeal of and amendments to certain rules in its Hearing Aid Program. Due to a reduction in funding for the Hearing Aid Program for fiscal years 1980-81, changes must be made in various areas of the program to remain within appropriated funding limits. The amendments and repeals will be effective September 1, 1979.

One major rule change will provide for one hearing aid per recipient per lifetime instead of one every five years. Other changes relate to the criteria for hearing loss, deletion of the second revisit as a program benefit, home visit limitations, termination of hearing aid replacement, revisions to the program limitations rule subchapter, and reimbursement for hearing aids at the provider's acquisition cost.

At the current utilization level and with current benefits, projected expenditures in the Hearing Aid Program for fiscal years 1980-81 would exceed appropriated funds; it is therefore necessary to limit or delete certain benefits in order to allow continued operation of the program. The General Appropriations Act, 66th Legislature, was not signed until June 15, 1979; the exact funding level of the Hearing Aid Program was not known until after that date. Because of the time limits involved, and because program termination would jeopardize the health, safety, and well-being of eligible Medicaid recipients, the department is adopting the repeals and amendments on an emergency basis.

General Information 326.42.01.002, .006

The following amendments are adopted under the authority of the Human Resources Code, Chapter 32, to be effective September 1, 1979.

.002. Prior Authorization for Hearing Aid Evaluation [Defined].

(a) *Authorization to perform the hearing aid evaluation is obtained by submitting the original and one copy of the request to schedule a hearing aid evaluation form.* [The evaluation required for prior authorization of a hearing aid purchase refers to the combined hearing evaluation and hearing aid evaluation.

(1) The hearing evaluation is both to determine the need for a hearing aid and to guide the selection of an instrument which meets the recipient's needs. Although it contains elements of a diagnostic evaluation, it should not be confused with the complete audiological evaluation used in diagnosis.

(2) Hearing aid evaluation refers to the sound field evaluation of the instrument recommended as adequate to the recipient's needs.]

(b) *Due to funding limitations, DHR must limit the number of authorizations based on a monthly quota system. Requests are processed on a first-come, first-served basis.* [Providers must observe the following guidelines:

(1) When the provider's tests indicate a severe unilateral hearing loss, the recipient must be evaluated with two instruments to determine which instrument best meets the recipient's needs.

(2) When the provider's tests indicate hearing in both ears to be approximately equal, at least one instrument must be evaluated for each ear, except

(3) When the recipient indicates a strong preference for wearing the instrument in a particular ear, then two instruments must be evaluated for the preferred ear.

(4) The Hearing Aid Evaluation Report must reflect the results of each evaluation.

(5) Each instrument reported for each ear evaluated must meet the criteria for hearing aid need as defined in Rule 326.42.03.001.

(c) *The prior approval request will be denied if the recipient currently has one functioning or repairable hearing aid appropriate for his or her needs. Medicaid does not provide reimbursement for a hearing aid check if required to assess the functioning or appropriateness of the current hearing aid.*

(d) *The prior approval request will be denied if the recipient has a third party resource available for the purchase of a hearing aid.*

.006. Home Visit Limitations [Visits].

(a) *Home visit is defined as any Medicaid Hearing Aid Program service provided at a location other than the business address at which the provider is contracted. If poor health prevents the recipient from traveling to the provider's office for evaluation services and/or fitting and dispensing services, necessary home visits are reimbursable if authorized in advance. Authorization will be based on the attending physician's narrative report providing justification for the home visit. The Report of Physician's Examination must accompany the narrative report.*

(1) Home visits are not authorized when a recipient does not have transportation. The Medicaid program, Title XIX, provides transportation for recipients to authorized providers of service.

(2) In the case of home visits, the department will permit an increase in the fee paid for the evaluation and/or fitting and dispensing (whichever is applicable). The fee allowed will include compensation for mileage traveled and will also take into consideration the number of recipients seen at a single site on the same day.

(b) *Hearing aid evaluations must be performed by the provider at the business address specified in his contract.*

(c) *The fitting and dispensing of an authorized hearing aid and the post-fitting check may be performed as a home visit at the provider's discretion provided that there are no additional charges to the department, the recipient, or any party acting in behalf of the recipient.*

Doc. No. 795574

326.42.01.004

(Editor's note: The text of the following rule repealed on an emergency basis will not be published. The rule may be examined in the office of the Texas Department of Human Resources, John H. Reagan Building, Austin, or the office of the Texas Register Division, 503E Sam Houston Building, Austin.)

Rule .004 is repealed under the authority of the Human Resources Code, Chapter 32, to be effective September 1, 1979.

.004. Special Evaluation.

Doc. No. 795575

Minimum Criteria for Hearing Aid Need 326.42.03

The following amendments are adopted under the authority of the Human Resources Code, Chapter 32, to be effective September 1, 1979.

.001. Prior [to] Authorization for Purchase.

(a) (No change.)

(b) An evaluation will be performed to determine the extent of the recipient's hearing loss. The following minimum criteria must be established in order for there to exist a bona fide need for a hearing aid under this program:

(1) Tests of the better ear after treatment of any condition contributing to the hearing loss reveal an average hearing loss level of 45 [40] decibels (dB) or greater (American National Standards Institute 1969) for 500, 1000, and 2000 hertz (Hz) by puretone aid conduction [, or

(2) The difference between the level of 1000 Hz and 2000 Hz is 20 dB or more while the average of the air conduction level (ANSI 1969) at 500 Hz and 1000 Hz is 30 dB or greater].

(c) If the recipient does not meet the minimum criteria set forth in subsection (b) [paragraph (1) or (2)] above, the hearing aid evaluation should not be conducted as no reimbursement will be made by DHR [DPW].

(d) In addition to subsection (b) [paragraph (1) or (2)] above, the following must also be established:

(1) (No change.)

(2) Aided speech scores must reflect the following improvements:

(A) Aided speech awareness thresholds must be at least 20 [25] dB better than the unaided, and

(B)-(D) (No change.)

(3)-(4) (No change.)

Doc. No. 795576

Replacements 326.42.07

(Editor's note: The texts of the following rules repealed on an emergency basis will not be published. The rules may be examined in the office of the Texas Department of Human Resources, John H. Reagan Building, Austin, or the office of the Texas Register Division, 503E Sam Houston Building, Austin.)

Rules 326.42.07.001-.002 are repealed under the authority of the Human Resources Code, Chapter 32, to be effective September 1, 1979.

.001. Replacement of Lost or Destroyed Hearing Aids.

.002. Replacement of Ineffective Hearing Aids.

Doc. No. 795577

Reimbursement Policies 326.42.08.005, .015

(Editor's note: The texts of the following rules repealed on an emergency basis will not be published. The rules may be examined in the office of the Texas Department of Human Resources, John H. Reagan Building, Austin, or the office of the Texas Register Division, 503E Sam Houston Building, Austin.)

Rules 326.42.08.005 and .015 are repealed under the authority of the Human Resources Code, Chapter 32, to be effective September 1, 1979.

- .005. *Invoice Cost.*
.015. *Second Revisit.*

Doc. No. 795578

326.42.08.006, .014

The following amendments are adopted under the authority of the Human Resources Code, Chapter 32, to be effective September 1, 1979.

.006. *Acquisition [Wholesale] Cost.* DHR reimbursement for hearing aids is based on the acquisition cost of the hearing aid effective on the date of purchase as verified by the manufacturer's invoice and/or packing slip. DHR reimbursement for hearing aids cannot exceed the maximum allowable cost as defined in these rules. If the cost of the preferred hearing aid exceeds the DHR maximum, the recipient must agree to pay the difference.

(a) The department will pay wholesale cost, which is defined as the manufacturer's quoted single unit wholesale price. Even if the dispenser is awarded a discount on the basis of quantity or cash payment, he may still provide the department with the single unit wholesale price.

.014. *First Revisit.*

(a) At the time of the post-fitting check, the dispenser should encourage the recipient to return for a follow-up visit for a hearing aid check and/or additional counseling or instructions regarding its use. One follow-up visit is available as needed within six months after the post-fitting check. [At the time of fitting the instrument, the dispenser should schedule a revisit within two or three months for a check of the hearing aid. After the first revisit is completed, the provider must submit a receipt for first revisit to receive payment.]

(b) Payment for the first revisit is obtained by submitting an original and two copies of the claim form, receipt for first revisit. DHR reimbursement is limited to the maximum allowable cost as defined in these rules.

Doc. No. 795579

Program Limitations 326.42.09

The following amendments are adopted under the authority of the Human Resources Code, Chapter 32, to be effective September 1, 1979.

.001. *Limitations.*

[(a)] The scope and benefits available through [of] the Hearing Aid Program are [is] determined by statutory and fiscal limitations [the availability of funds and may be adjusted from time to time]. The following limitations are currently [now] in effect:

(1) *Hearing aids are limited to one per recipient.* [The department may refer to the Texas Rehabilitation Commission persons whose jobs are contingent upon possession of a hearing aid.]

(2) *No binaural fittings are available except in certain documented cases of legally blind, hearing-im-*

paired recipients with no other available resources. [Hearing aid purchases are limited to one every 60 consecutive months, except in the case of hearing aids which are lost, damaged, or ineffective.]

(3) *If a recipient currently has one functioning or repairable hearing aid appropriate for his or her needs, he is ineligible for a hearing aid through the Medicaid program. The Hearing Aid Program does not provide reimbursement for a hearing aid check if required to assess the functioning or appropriateness of the recipient's hearing aid.* [Hearing aid evaluations are limited to one every 60 consecutive months, except in the case of hearing aids which are lost, damaged, or ineffective. Prior authorization is required for all such re-evaluations or recipients.]

(4) *No replacements are available for lost, destroyed, or ineffective hearing aids purchased through the Medicaid program.* [No hearing aid evaluations should be conducted and no claim should be filed if the recipient does not meet the criteria set forth in paragraph (1) or (2) or Rule 326.42.03.001.]

(5) *Hearing Aid Program services are limited to eligible recipients who have no other third party resources.* [No payment will be made for evaluation, repair, or purchase of hearing aids for persons under 21 years of age. Persons under 21 should be referred to the Texas Department of Health Resources for evaluation and procurement of hearing aids.]

(6) *Hearing aid evaluations are limited to those individuals who meet the eligibility criteria specified in these rules.* [No payment will be made for repairs to instruments purchased by the Texas Rehabilitation Commission if the recipient is still eligible for services under that program.]

(7) *No home visit hearing aid evaluations are available through the Medicaid program.* [No payment will be made for replacement of batteries or cords.]

(8) *No hearing aid repair services are available for hearing aids covered by a warranty, protection plan, or other third party.* [No payment will be made for repairs during the warranty period of an instrument or if a protection plan is in force.]

(9) *No repair services are available for hearing aids damaged by abuse or neglect.* [No binaural fittings will be approved.]

(10) *No replacements are available for earmolds, external receivers, cords, tubing, or batteries.* [U.S. manufactured hearing aids should be considered when the purchase price and quality are comparable to those of foreign manufacturers.]

(11) *Hearing Aid Program services do not include diagnostic evaluations or rehabilitation services.* [Hearing aid evaluations and fittings performed in nursing facilities are permitted only with written approval of the physician. Criteria for home visits apply.]

(12) *No hearing aid authorization or payment will be made if the recipient or third party has made a deposit or any payments toward the purchase of a hearing aid. No retroactive reimbursement can be authorized.* [No funds are now available for auditory training, speech therapy, speech reading, or other types of communication training.]

[(13) No payments will be made unless the manufacturer's wholesale price list and instrument specifications sheets are on file with DPW.]

{(14) No hearing aid authorization or payment will be made if the recipient or third party has made a deposit or any payments toward the purchase of the instrument.}

Doc. No. 795580

Prior Authorization 326.42.10

The following amendments are adopted under the authority of the Human Resources Code, Chapter 32, to be effective September 1, 1979.

.001. Services Requiring Prior Authorization.

{(a) Certain elements of the Hearing Aid Program require written approval in advance from the department:

{(1)-(3) (No change.)

{(4) Home visits require prior authorization.

{(5) Replacement of lost, destroyed, or ineffective hearing aids must have prior approval.}

Doc. No. 795581

Support Documents 326.42.99

The following amendments are adopted under the authority of the Human Resources Code, Chapter 32, to be effective September 1, 1979.

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

.204. *Fees for Revisit [Revisits].* The Texas [State] Board of Human Resources [Public Welfare] has approved an \$11 fee allowable for the [a] first revisit [and \$23.50 fee allowable for required sound field testing on a second revisit].

Issued in Austin, Texas, on August 29, 1979.

Doc. No. 795582 Jerome Chapman
Commissioner
Texas Department of Human Resources

Effective Date: September 1, 1979

Expiration Date: December 30, 1979

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

Texas State Board of Medical Examiners

Schedule of Fees 386.08.00

The Texas State Board of Medical Examiners is amending Rule 386.08.00.001, and revised text of the rule follows. Emergency rule amendment authorizes the Texas State Board of Medical Examiners to charge the necessary fee for verification of the completion of basic science courses as required by House Bill 1249. Completion of these courses and certification of the basic science grades are a requisite for licensure of physicians in Texas. If no provision were to be made for certification of these courses, no physicians could be licensed in the State of Texas after August 31, 1979; therefore, the Texas State Board of Medical Examiners has taken the necessary steps for implementation of House Bill 1249 and verification of grades.

Section 2 of House Bill 1249 provides for abolishment of the State Board of Examiners in the Basic Sciences. Section 3 of that same bill calls for the Board of Medical Examiners to "require from a person otherwise qualified by law, evidence, verified by transcript of credits, certifying that such person has satisfactorily completed 60 or more semester hours of college credits at a college or university which issues credits acceptable by the University of Texas at Austin leading toward a Bachelor of Arts or a Bachelor of Science degree. Said credits shall include the satisfactory completion of courses in anatomy, physiology, chemistry, bacteriology, pathology, hygiene, and public health with an average of 75% or better in each of such courses." This section also authorizes the Board of Medical Examiners to charge a fee of \$50 for this verification. It further states that "any license to practice issued after the effective date of this Act... contrary to this Act shall be void." Section 5 states that the Act takes effect September 1, 1979. Violation of the Act is a Class A misdemeanor.

The amendment to Rule .001 is promulgated under the authority of Article 4496 and Article 4509, Civil Statutes of Texas.

.001. Fees. The board shall charge the following fees:

Annual registration: \$25

Institutional permits per year (interns and residents):
\$25

Licensure by examination:

FLEX—full: \$150

First day only—repeat: \$30

Second day only—repeat: \$35

Third day only—repeat: \$85

Jurisprudence only—repeat: \$25

Board—full: \$150

Pre-clinical only—repeat: \$100

First repeat pre-clinical: \$25

Second repeat pre-clinical: \$35

Clinical: \$50

Clinical and first repeat: \$60

Clinical and second repeat: \$60

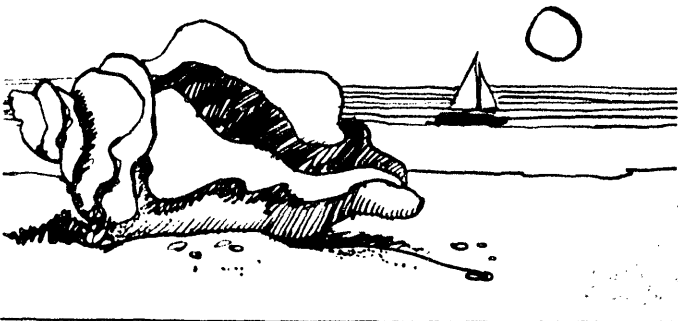
Licensure by reciprocity: \$200

Temporary license: \$25

Duplicate license: \$35

Endorsement: \$25

Reinstatement after lapse of cancellation: \$100



Certification to other boards of grades in basic science examination: \$25

Verification of basic science grades for licensure: \$50

Issued in Austin, Texas, on August 23, 1979.

Doc. No. 795505 A. Bryan Spires, Jr., M.D.
Secretary-Treasurer
Texas State Board of Medical Examiners

Effective Date: September 1, 1979

Expiration Date: December 30, 1979

For further information, please call (512) 474-6335.

Teacher Retirement System of Texas

Membership Credit

Compensation 334.03.03.001-.006

(Editor's note: The texts of these rules repealed on an emergency basis will not be published. The rules may be examined at the office of the Teacher Retirement System of Texas, 1001 Trinity, Austin, or in the office of the Texas Register Division, 503E Sam Houston Building, Austin.)

The Teacher Retirement System of Texas repeals on an emergency basis Rules 334.03.03.001-.006, concerning compensation. This is done in connection with the emergency passage of new rules on compensation on the same date. These rules are being repealed on an emergency basis to put into effect a change in the law regarding the removal of the \$25,000 ceiling on annual compensation, which goes into effect August 27, 1979.

The rules are repealed under authority of Sections 3.02(c) and 3.59(i) of the Texas Education Code as amended.

- .001. Value of Room and Board.
- .002. Compensation Not Paid in Money.
- .003. Bonuses.
- .004. Salary Supplements.
- .005. Required Deposits.
- .006. Bonuses, Sick Leave Pay, and Terminal Leave Pay.

Doc. No. 795555

334.03.03.008

The Teacher Retirement System of Texas adopts on an emergency basis an amendment to Rule 334.03.03.008, concerning payroll report dates. The amendment is being adopted to put into effect Section 14, Acts of the 66th Texas Legislature, Regular Session, 1979, which becomes effective August 27, 1979. The amendment adds requirements for reports on federal and private grants as well as on service under certain contracts not conforming to regular school years.

The amendment to Rule .008 is promulgated under the authority of Section 3.59(i), Texas Education Code.

.008. Payroll Report Dates.

(a) The executive secretary shall establish dates on which payroll reports are due and the method to be used in reporting such deposits to the Teacher Retirement System. School officials shall be notified of such regulations.

(b) Each employer must report each month on forms furnished by the Teacher Retirement System those employees eligible to participate in the Teacher Retirement System or Optional Retirement Program who receive part or all of their salary from federal funds and/or private grants. Reporting districts must transmit to the retirement system 8.5% of the monies paid as salary in addition to the amount transmitted for member contributions. If the maximum percentage legally provided for retirement purposes from these funds is less than 8.5%, the employer shall transmit the amount provided and indicate by letter the name of the grant and the rate.

Information furnished shall include the employee's tax number, name, salary paid from funds, contribution amount, fund source, and any other information designated by the TRS staff. In addition all colleges and universities shall indicate whether the person is a member of TRS or ORP. When reporting, all independent school districts will use the TEA school district federal grants code sheet or similar code provided by TRS.

(c) Members who have a qualified contract shall be reported by each school district on a form provided by TRS.

(1) A qualified contract is an employment agreement which meets the following criteria:

(A) Service under the agreement must begin on or after July 1, but not later than August 31, of the same calendar year.

(B) Service contemplated by the agreement must be for a definite period extending past August 31 of the same calendar year in which service under the agreement began, as evidenced by an enforceable legal obligation on the part of the public school to employ and to compensate the employee for such period.

(C) Not included are employees who can be terminated by the school district without the school being obligated to pay a fixed amount stated in a contract.

(2) Reports on contracts with a beginning date in July should be submitted to TRS in the July report. Reports on contracts with a beginning date in August should be filed with the August or September report.

Doc. No. 795556

334.03.03.010-.015

The Teacher Retirement System adopts on an emergency basis Rules 334.03.03.010-.015, relating to a member's annual compensation subject to deductions for deposit and credit. Adoption on an emergency basis is necessary to implement the removal of the \$25,000 ceiling on annual compensation subject to credit provided by Chapter 570, Acts of the 66th Texas Legislature, Regular Session, 1979. The rules are being adopted to clarify and recodify previous regulations concerning the matter and to conform the rules to legislation enacted by the 66th Texas Legislature removing the \$25,000 ceiling on annual compensation. Rule .010 defines the term "annual compensation" to include salary, certain payments for vacation and sick leave upon termination, other payments made to the member if reported as taxable income of the member by the employer, and the value of "maintenance." Rule .011 provides that terminal vacation and sick leave pay is to be credited in the last year of employment. Rule .012 defines "maintenance" as housing and utilities furnished in

lieu of salary and as a part of an employment contract. The value of maintenance is to be set by the executive secretary but is not to exceed \$400 per month. The value of maintenance is to be its value as compensation to the member and may neither include its value to the employer nor that furnished which is not necessary for the support of the member and his or her family. Employers are to obtain prior valuation of maintenance from the retirement system before submitting deposits. Application for valuation is to be made upon employment or when maintenance is first provided. Rule .013 provides that bonuses and salary supplements reported as taxable income are annual compensation but that expense allowances, payments not reported as taxable income, fringe benefits, payments made to third parties for the benefit of a member, payments conditioned upon retirement, and benefits taxable in a future year are not includable in annual compensation. Rule .014 sets forth the member's statutory rate of deposits on annual compensation—6.65%, requires deposits, including those for maintenance, to be deducted by the employer from each pay period's salary, and requires the submission of deposits with each month's reports to the retirement system. Rule .015 authorizes credit only for annual compensation actually received while a person is a member of TRS.

These rules are promulgated under the authority of Sections 3.02(c) and 3.59(i), Texas Education Code as amended.

.010. Compensation Subject to Deposit and Credit. A member is required to make deposits on and is entitled to credit for annual compensation. A member's annual compensation in any school year consists of salary paid or payable to the member for service eligible for membership during that school year plus the following items paid or furnished the member for such service:

(1) payments of money for vacation or sick leave made upon termination of employment from a public school subject to the provisions of Rule .011;

(2) other payments of money made directly to the member and reported as a part of the income or wages of the member by the employer to the U.S. Internal Revenue Service, subject to the provision of Rule .013; and

(3) the value of maintenance, subject to provisions of Rule .012.

No other payments or other items furnished may be included in a member's annual compensation.

.011. Vacation and Sick Leave Pay. Vacation and sick leave payments are annual compensation for the year in which paid or for the last year of employment if payment is deferred.

.012. Maintenance.

(a) "Maintenance" consists of housing and utilities furnished to the member in lieu of salary and as a part of an employment contract between a public school and the member.

(b) The value of maintenance includable in annual compensation shall be determined by the executive secretary or a designee but shall not exceed \$400 per month.

(c) In determining the value of maintenance, the retirement system will take into account the value to the institution of the facilities and services provided over and above their value as compensation to the member and shall reduce the value credited as compensation accordingly. The value of the facilities and services shall not necessarily be

market or rental value but shall be the value of the maintenance as compensation to the member. The value of that portion of the facilities or services furnished which are not necessary for support of the member and his or her family shall be excluded from the value credited.

(d) Employers shall submit to the retirement system an application for valuation of maintenance for each of its employees who receive such maintenance as herein defined. Applications must be submitted whenever an employee receiving maintenance is first employed or whenever maintenance is first provided. Only after the retirement system notifies the employer of the value of compensation assigned to maintenance shall deposits based on the maintenance value be submitted.

.013. Other Payments.

(a) Bonuses and salary supplements, if authorized by law and if reported as income by the member's employer to the U.S. Internal Revenue Service, shall be included in annual compensation.

(b) Payments of money to the member not reported as income to the member by the employer and payments of expense allowances are presumed not to be a part of a member's annual compensation. Such presumption may only be rebutted by proof that the member has reported such amounts to the U.S. Internal Revenue Service as income from employment in the public schools of Texas. Further, no expense allowance may be included in compensation to the degree that it bears a reasonable relationship to expenses incurred or reasonably presumed to have been incurred.

(c) Payments of money made to third parties for the benefit of the member and fringe benefits not specifically included in compensation under these rules shall not be included in the member's annual compensation.

(d) No payment is includable in annual compensation if it is conditioned upon the member's retirement.

(e) Terminal pay qualifying as annual compensation is includable in the last year of employment.

(f) Benefits provided by an employer which may be taxable in a future year are not compensation except for payments into a "tax sheltered" annuity which have been deducted by agreement from the member's contracted salary.

.014. Required Deposits.

(a) Members shall deposit with the Teacher Retirement System 6.65% of the compensation received each pay period, including compensation received for part-time, irregular, seasonal, or temporary employment in a school year in which the member rendered service eligible for membership.

(b) Deposits due for a pay period, including deposits due on maintenance, must be deducted by the employer from the member's salary for that pay period.

(c) The employer must submit the deposits with each regular payroll report to TRS.

.015. Annual Compensation Creditable for Benefit Calculation. Unless otherwise provided by law or these rules, a member shall receive credit only for annual compensation actually received. Compensation from which deductions for an Optional Retirement Program annuity were made shall not be included in annual compensation for benefit calculation purposes.

Delinquent Report of Service 334.03.04

The Teacher Retirement System of Texas adopts on an emergency basis amendments to Rules 334.03.04.003 and .005 relating to delinquent reports of service. The rule change is necessary to implement the removal of the \$25,000 ceiling on annual compensation subject to credit and the removal of certain fees or delinquent deposits as provided by Chapter 570, Acts of the 66th Texas Legislature, Regular Session, 1979. Rule .003 will eliminate fees on delinquent deposits assessed on years prior to the 1975-76 school year. Rule .005 clarifies the procedure for establishing credit for unreported payments or maintenance.

The amendments to Rules .003 and .005 are promulgated under the authority of Section 3.59(i), Texas Education Code.

.003. Delinquent Deposits. A fee will be charged on delinquent deposits at the rate of 5.0% per annum of the deposits due from the end of the school year in which the deposits were due *or the end of the 1974-75 school year, whichever is later* until the date of payment.

.005. Verification of Claims. Members who claim unreported payments [salary supplements] or maintenance [compensation not paid in money] as all or part of annual compensation after the school year in which it was actually received *must* [may] verify the claim by presenting [as evidence] to the Teacher Retirement System *such evidence as the staff of the system may require to provide clear and convincing proof of the existence and amount of such compensation, including but not limited to a certified copy of the minutes of the governing board of his employing institution, certified copies of any written contracts between the member and the employer, a verified statement by the employer of the reasons why such compensation was not reported earlier, and copies of income tax documents showing that such alleged compensation was reported as income for the member.* A fee for delinquent deposits as provided in Rule .003 will be assessed when applicable on the value of such payments [salary supplements] or maintenance [compensation not paid in money].

Doc. No. 795558

Termination of Membership and Refunds 334.04.00

The Teacher Retirement System of Texas adopts on an emergency basis Rule 334.04.00.008, which permits participants in the Optional Retirement System (ORP) to resume membership in the retirement system and reinstate withdrawn accounts from the system. This rule is being adopted on an emergency basis to reflect changes made by Chapter 465, Acts of the 66th Texas Legislature, Regular Session, 1979, which become effective August 27, 1979. During the period from September 1, 1979, to August 31, 1980, ORP participants may elect in a form prescribed by the retirement system to return to membership in the retirement system. The election will be effective with the month next following the month in which the election is received by the employer. Withdrawn accounts and credit may be reinstated at any time after resumption of membership by repaying the withdrawn amount plus a reinstatement fee of 10% per year of the amount due compounded annually from the date of with-

drawal to the date of repayment. Former ORP participants who return to membership other than by this election must reinstate under other statutory provisions. ORP participants who elect to resume membership by this election may not use other statutory provisions to reinstate previously withdrawn accounts.

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

.008. Reinstatement of Membership and Service Credit by ORP Participants.

(a) Any person participating in the Optional Retirement Program (ORP) on September 1, 1979, is eligible to elect to become a member of the Teacher Retirement System between September 1, 1979, and September 1, 1980, inclusive, by filing a written application in a form prescribed by the retirement system. The form shall be submitted to the employer who shall transmit it to the retirement system with its next report. The election shall be effective on the first day of the month following the month in which the change is received by the employer.

(b) ORP participants who elect to return to membership in the retirement system between September 1, 1979, and September 1, 1980, under subsection (a) of this rule, are eligible to reinstate all previously held TRS credit, except student employment credit, under the provisions of this rule only. Reinstatement may occur at any time after resumption of membership in the retirement system. All eligible credit must be reinstated at one time. If the member's account was withdrawn, the member must pay the accumulated contributions plus a reinstatement fee of 10% per year of the amount due compounded annually from the date of withdrawal to the date of repayment. Reinstatement fees will be credited to the State Contribution Account. Persons reinstating accounts under this rule shall pay all membership fees which a person reinstating an account would normally pay except that no membership fees will be charged for whole school years in which the member was an ORP participant. Credit will be reinstated upon application by the member on a form prescribed by the retirement system and the deposit of all required payments. No credit may be established for service in public education while an ORP participant.

(c) Former ORP participants who return or have returned to TRS membership in the retirement system other than by an election under this rule must make reinstatement under Rule .006 or Rule .007, if applicable.

Doc. No. 795559

Benefits

Service Retirement 334.05.01.004

The Teacher Retirement System of Texas adopts on an emergency basis an amendment to Rule 334.05.01.004, regarding the best-five-years-average compensation and the lifting of the \$25,000 ceiling. This amendment is being adopted on an emergency basis to implement the removal of the \$25,000 ceiling on annual compensation subject to credit provided by Chapter 465, Acts of the 66th Texas Legislature, Regular Session, 1979, which becomes effective August 27, 1979. The rule as amended will permit the use of actual salary in calculating the best five-years-average in the TRS retirement benefit formula but will prohibit stacking of sal-

aries which might be credited for service covered by the Employees Retirement System and transferred to TRS.

The amendment to Rule .004 is promulgated under the authority of Section 3.59(i), Texas Education Code.

.004. Actual Compensation. Actual compensation paid to a member [(not to exceed \$8,400 in any school year prior to September 1, 1969, or \$25,000 for any school year after September 1, 1969, in which a member has a creditable year of service)] is used in computing the *best-five-years'-average compensation* [best-five-year-average salary]. *Best-five-years'-average compensation for members with credit transferred from the Employees Retirement System may not include compensation for any month which was credited or should have been credited by the Employees Retirement System if the member received compensation for service during the same month covered by the Teacher Retirement System.*

Doc. No. 795560

334.05.01.016

The Teacher Retirement System of Texas adopts on an emergency basis Rule 334.05.01.016, concerning the withdrawal from service which is a condition for retirement under the Teacher Retirement System. This rule is being adopted on an emergency basis as a result of legislation effective August 27, 1979, which permits one-half time employment in Texas public education without suspension of TRS benefits. Since one-half time employment is also service eligible for membership, this rule is needed to define "withdrawal from service" which is a statutory prerequisite for retirement. The rule will require a member to have terminated employment for at least one workday immediately following the member's proposed date of retirement.

This rule is promulgated under the authority of Section 3.59(i) of the Texas Education Code as amended.

.016. Withdrawal from Service. Except as provided in Rule .015, a member has not withdrawn from service for the purposes of retirement under Rule .001 until he or she terminates employment in a position otherwise eligible for membership for at least one workday immediately following the member's proposed date of retirement.

Doc. No. 795561

Employment after Retirement 334.06.00

The Teacher Retirement System of Texas adopts on an emergency basis amendments to Rules 334.06.00.007, .008, and .010. These amendments are being adopted on an emergency basis to reflect changes permissible in employment after retirement made by the 66th Legislature in laws which go into effect on August 27, 1979. Rule .007 drops the reference to age 60 and allows a retired person to work up to one-half time. Rule .008 changes one-third to one-half time with the appropriate changes made in the definition of the two terms. Rule .010 changes one-third references to one-half references.

The amendments to these rules are promulgated under the authority of Section 3.59(i), Texas Education Code.

.007. Regular Employment Having No Effect on Annuity [Employment of Retired Persons]. Any retired person [who is over age 60] may, without affecting the service retirement annuity, be employed during any month in a "public school" of Texas on as much as *one-half* [one-third] the full-time load for the particular position according to the personnel policies of the employer.

.008. "One-half [One-third] Time." "One-half [One-third] time" employment shall in no case exceed 92 [(59)] clock hours in any calendar month. *Determination of half-time will be made on a monthly basis using calendar months.* Actual course instruction in state supported colleges (including junior colleges), universities, and high schools shall not exceed during any month *one-half* [one-third] the normal load for full-time employment at the same teaching level. (This would usually limit employment in instruction in colleges and universities to no more than *two* [one] three-semester-hour courses during any one semester of the long term, *two two-semester-hour courses* [one three-semester-hour course] during a nine-week term, or one *three-semester-hour* [two-semester-hour] course during a six-week term. Employment in instruction in public high schools would usually be limited to no more than *two courses* [one course] during any one semester of the long term.) *"One-half time" employment for bus drivers shall in no case exceed 12 days. Work by a bus driver for any part of a day shall count as a full day for purposes of this rule.*

.010. Monthly Certified Statement. The employer will furnish the retirement system a monthly certified statement of all employment after retirement containing information necessary for the executive secretary to classify employment as "substitute," "not more than *one-half* [one-third] time," or "regular employment exceeding *one-half* [one-third] time" within the provisions of the provisions of this section.

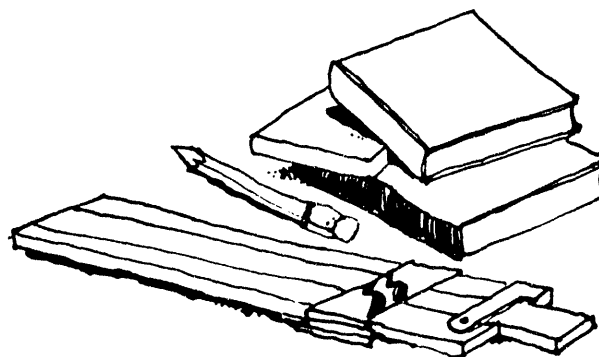
Issued in Austin, Texas, on August 24, 1979.

Doc. No. 795562 Leonard Prewitt
Executive Secretary
Teacher Retirement System of Texas

Effective Date: August 27, 1979

Expiration Date: December 25, 1979

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



Texas Water Development Board

Waste Discharge Permits

The Texas Water Development Board has adopted new emergency rules and emergency amendments to Chapter 25 of the Texas Water Development Board rules in order to effectuate House Bill 1794, regarding the requirement of public hearings on waste discharge permit applications. The rules provide for commission action on applications both with and without hearing and set out the procedure for requesting a public hearing. The rules allow the renewal of permits for confined animal feeding operations without the necessity of holding a public hearing. Notice of renewals must be provided 45 days before commission action. The rules require the applicant to submit an affidavit which includes the source of the list of landowners affected while the executive director is to determine the area of potential impact of the discharge.

It is necessary that these rules be promulgated as emergency rules in order to have rules in effect which implement House Bill 1794 passed by the 66th Legislature with an effective date of August 27, 1979. The Texas Water Development Board has therefore resolved that the adoption of these new rules and amendments on fewer than 30 days notice is necessary.

Procedure for Obtaining Waste Discharge Permits 156.25.05

Amendments to Rules 156.25.05.003, .010, and .011 are adopted and Rule .017 is promulgated under the authority of Sections 5.131 and 5.132, Texas Water Code.

.003. Map Required. The application shall be accompanied by an application map and, if needed as explained below, a supplemental map. Maps must be of material suitable for a permanent record, and shall be on sheets 8-1/2 inches by 14 inches or folded to that size, and shall be on a scale of not less than one inch equals one mile. The application map should be an ownership map, if available,* or it may be a county highway map** or a map prepared by a registered professional engineer or a registered surveyor. The map shall show the approximate boundaries of the tract of land owned or used by the applicant on which the waste disposal activity is or will be conducted. The applicant shall locate on the map each outfall, disposal well, place of deposit, and other place of disposal used or to be used by the applicant for the disposal of any defined waste. The map shall also show known geographic features, such as public roads, towns, streams, and watercourses; the general character of the areas adjacent to the place or places of disposal, such as residential, commercial, recreational, agricultural, undeveloped, and so forth; and the location of any other waste disposal activities conducted on the tract by the applicant not included in the application. To enable the department to send notices to *persons* [parties] who may be affected, the application map or a supplemental map shall show the ownerships of the tracts of land within a reasonable distance from the applied for point or points of discharge, deposit, injection, or other place of disposal or defined waste; in case the application is for the disposal of any defined waste into or adjacent to a watercourse, the application map or supplemental map shall show the ownerships of the tracts of land for a reasonable distance

along the watercourse. The applicant shall list on the map, or on a separate sheet attached to the map, the names and addresses of the owners of the tracts of land as determined from the current county tax rolls or other reliable resources. *As part of his application, the applicant shall submit an affidavit which lists the names and addresses of the owners of tracts of land affected by the application and includes the source of the list.*

*Ownership maps may usually be obtained from commercial map companies, some county offices, and some abstract companies.

**County highway maps may be ordered either through the State Department of Highways and Public Transportation, Austin, Texas, or through the state district highway engineer for the county.

.010. Action on Application. [Public Hearing Required.] A public hearing shall be held on every application for a waste discharge permit before it is acted on by the commission.

(a) *Public notice shall be given on every application for a waste discharge permit, permit amendment, or renewal of a permit before it is acted upon by the commission. The applicant shall pay all of the costs of publication and service of notice. The cost of service of notice shall be \$5.00 or the actual cost of mailing, whichever is greater.*

(b) *The commission may hold a public hearing on an application for a waste discharge permit before the commission takes action on the application. If the commission holds a public hearing on an application, notice shall be given in accordance with Rule .012 of this subchapter.*

(1) *The commission may act on the application without holding a public hearing if notice has been given and an opportunity for a public hearing has been provided in accordance with the following requirements:*

(A) *Not less than 45 days before the date of action on the application by the commission, the applicant shall publish the commission's notice of the application at least once in a newspaper regularly published or circulated within each county where the proposed facility or discharge is located and in each county affected by the discharge;*

(B) *Not less than 45 days before the date of action on the application by the commission, the applicant shall serve or mail the commission's notice of the application to persons who in the judgment of the commission may be affected.*

(2) *The commission shall hold a public hearing if it receives a request in accordance with Rule .017 of this subchapter.*

.011. Application Forwarded to Commission. When an application for a waste discharge permit is in proper form, the executive director shall forward the application to the commission, accompanied by [proposed agenda items and notices of hearing, as well as] the executive director's recommendation. *For the purpose of providing adequate notice, the executive director will include a recommendation to the commission of the area wherein the application, if granted, would have potential impact.*

.017. Requests for Public Hearing.

(a) *Within 45 days of the publication of notice of a pro-*

posed permit, permit amendment, or permit renewal, any affected person may request that the commission hold a public hearing on the proposed permit, permit amendment, or permit renewal. Any request under this rule shall be in writing and contain the following information:

(1) name, mailing address, and phone number of the person making the request;

(2) a brief factual statement of the nature of the interest of the requester and an explanation or how that interest would be affected by the proposed action; and

(3) the names and addresses of all persons whom the requester represents.

(b) If the commission determines that the request sets out legal or factual questions within the jurisdiction of the commission and relevant to the waste discharge permit decision, the commission shall conduct a public hearing.

(c) The commission, upon notice to all persons who have already submitted hearing requests, may extend the time allowed for submitting hearing requests for good cause.

Doc. No. 795543

Amendment With Consent 156.25.10

Rule 156.25.10.003 is amended under the authority of Sections 5.131 and 5.132, Texas Water Code.

.003. *Amendment with Consent.*

(a) (No change.)

(b) *An application to amend a permit to improve the quality of waste authorized to be discharged may be set for consideration and may be acted on by the commission at a regular meeting without the necessity of holding a separate public hearing if the applicant does not seek to increase significantly the quantity of waste authorized to be discharged or change materially the pattern or place of discharge. Notice of the application shall be mailed to the mayor and health authorities for the city or town and the county judge and health authorities for the county in which the waste is or will be discharged at least 10 days before the commission meeting. [A public hearing shall be held on every application for amendment filed under this rule unless the modifications will amend the waste discharge permit to improve the quality of the defined waste authorized to be disposed of; and if the applicant does not seek to increase significantly the quantity of defined waste authorized to be disposed of, or to change materially the pattern or place of disposal. At the time the application is submitted to the commission for consideration and action, the executive director will recommend whether a public hearing should be required.*

(c) If the commission determines that a public hearing is not required, the commission shall provide the notice of the application for amendment and proposed commission action be sent at least 10 days before the commission meeting to the mayor and health authorities for the city or town and the county judge and health authorities for the county in which the defined waste is to be discharged, and they may present information to the commission on the application for amendment.

Doc. No. 795544

Public Hearing, Notice 156.25.20

Rule 156.25.20.003 is amended under the authority of Sections 5.131 and 5.132, Texas Water Code.

.003. *Public Hearing, Notice.*

(a) (No change.)

(b) Notice of the proposed renewal shall be given to the persons who in the judgment of the commission and the executive director may be affected not less than 45 [30] days in advance of commission consideration of the application for renewal.

(c) (No change.)

(d) *No hearing is required for the renewal of a permit for a confined animal feeding operation which was issued between July 1, 1974, and December 31, 1977, when the applicant does not seek to discharge into or adjacent to water in the state and does not seek to change materially the pattern or place of disposal. When the commission determines that no hearing is required under this subsection, the commission shall require that notice of the application for renewal and proposed action be sent at least 10 days before the commission's meeting to the mayor and health authorities for the city or town and the county judge and health authority for the county in which the operation is located and to any other person who in the judgment of the commission may be affected.*

Issued in Austin, Texas, on August 24, 1979.

Doc. No. 795545 Bruce Bigelow
General Counsel
Texas Department of Water Resources

Effective Date: August 24, 1979

Expiration Date: December 22, 1979

For further information, please call (512) 475-7841.

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

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

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

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

State Board of Barber Examiners

Practice and Procedure

Examinations and Licensing 378.01.03

The State Board of Barber Examiners is proposing a rule to adopt a system under which certificates expire on various dates during the year, and fees will be prorated during the renewal period of September 1 to November 1, 1981. It is being proposed in order that licenses may be issued by the State Board of Control Computer Services.

According to computer services personnel, there are no fiscal implications for units of local government of the state.

Public comment on the rule is invited. Comments may be submitted by telephone or in writing to Mary Jo McCrorey, executive secretary, 5555 North Lamar, H-111, Austin, Texas 78751, telephone (512) 458-2241.

This proposed rule is authorized under Articles 8401-8407 and 8407a, Texas Civil Statutes.

.032. Expiration Dates of Certificates and Proration of Fees. Expiration dates of barber license certificates will be changed at renewal time in 1981 to expire on various dates during the year. Renewal fees payable at that time shall be prorated on a monthly basis so that each certificate holder shall pay only that portion of the renewal fee which is allocable to the number of months during which the certificate is valid. On the new expiration date, the total renewal fee is payable.

Issued in Austin, Texas, on August 23, 1979.

Doc. No. 795510 Mary Jo McCrorey
Executive Secretary
State Board of Barber Examiners

Proposed Date of Adoption: October 5, 1979
For further information, please call (512) 458-2241.

Texas Education Agency

Texas School for the Blind and Texas School for the Deaf

Governance 226.81.01

(Editor's note: The Texas Education Agency proposes for permanent adoption Rules 226.81.01.010, .020, .030, .040, and .050 which it adopts on an emergency basis in this issue. The texts of the rules appear in the Emergency Rules section.)

The Texas Education Agency proposes to adopt Rules 226.81.01.010, .020, .030, .040, and .050, concerning governance of the Texas School for the Blind and the Texas School for the Deaf. Senate Bill 1156, passed by the 66th Legislature, brought about changes in the governance structure for the Texas School for the Blind and the Texas School for the Deaf. The new governance structure calls for each school to be governed by a nine-member board. Board members are nominated by the State Board of Education, appointed by the governor, and confirmed by the senate. The proposed rules set out procedures for the selection of board members and the purposes for the schools. Rule .030 establishes a system of central services. Rule .040 addresses the route of appeal from decisions of the governing boards of the schools or the committee for central services operations. Rule .050 provides for organizational meetings and orientation for new board members.

The Texas Education Agency anticipates that the adoption of these rules will cost \$31,600 in state funds each year for the next five years. These rules have no local fiscal implications.

Public comment on the proposed adoption of the rules is invited. Comments may be submitted by telephoning the office of Dr. J. B. Morgan, associate commissioner for policies and services, at (512) 475-7077, or by writing to him at 201 East 11th Street, Austin, Texas 78701. All requests for a public hearing on proposed rules 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*.

These rules are promulgated under the authority of Sections 11.03, 11.031, 11.06, and 11.061, Texas Education Code.

Issued in Austin, Texas, on August 23, 1979.

Doc. No. 795507 M. L. Brochette
Commissioner of Education

Proposed Date of Adoption: October 5, 1979
For further information, please call (512) 475-7077.

General Land Office

Energy Resources

Payment of Royalties 126.12.01

The General Land Office is proposing to amend Rule 126.12.01.010, entitled Basis for Computing Royalties. The proposal amends subsection (c) concerning plant products

and adds subsection (e) to provide a definition of "general area" for royalty purposes. The proposed amendments are merely intended to formalize land office policies which have developed in response to changes in industry and government practices relating to oil and gas. Subsection (c) remains unchanged except to add a market value statement to the effect that gas processing should not diminish the gross value of the gas for royalty purposes. Subsection (e) is added to provide a standard definition of "general area" as used in state oil and gas leases.

The proposed amendment is not expected to have any fiscal impact on the General Land Office, state government, or local government.

Public comment on the proposed amendment to Rule .010 is invited. Persons should submit their comments in writing to John Staleski, Stephen F. Austin Building, Room 849, Austin, Texas 78701

This amendment is proposed under the authority of Section 31.051, Natural Resources Code.

.010. Basis for Computing Royalties.

(a)-(b) (No change.)

(c) Plant products. The volume and value of plant products subject to state royalty shall be calculated in accordance with the lease agreement under which the gas is produced and processed and shall never be less than the minimum percentage specified in the lease agreement. In cases where the lease agreement does not specify the manner in which plant product royalties are to be calculated, then the volume and value of plant products subject to state royalty shall be that volume and value for which settlement is being made to the producer, under a gas contract prudently negotiated between the producer and processor. *However, in no case where gas is processed for the recovery of liquid hydrocarbons or other products, may the royalties on residue gas and plant products be less than the royalties which would have been due had the gas not been processed.*

(d) (No change.)

(e) **General area.**

(1) *In lease agreements which require royalties to be based on the highest market price in the general area, the term "general area" means:*

(A) *the Railroad Commission district in which the lands covered by the lease are located, and*

(B) *the neighboring Railroad Commission district(s) if the lands covered by the lease are pooled or unitized with lands in such neighboring district(s), or are located in a county adjacent to and bordering such other district(s).*

(2) *However, in the event oil or gas is sold under a contract or sales arrangement based on, or making reference to, other prices paid in a geographical area larger than that described in paragraph (1) above, then the larger geographical area will be considered the general area contemplated by the lease and by this rule.*

Issued in Austin, Texas, on August 21, 1979.

Doc. No. 795511 Bob Armstrong
Commissioner
General Land Office

Proposed Date of Adoption: October 5, 1979
For further information, please call (512) 475-2933

Texas Historical Commission

Historical Marker Policies 352.02.00

The proposed amendments to Rule 352.02.00.015 require specific steps that may be taken when a building that is a Recorded Texas Historic Landmark is destroyed and the historical marker remains. The disposition of this marker may be accomplished by the placement in a museum, the signing of a contract with the owner not to place it on another building, or the melting down of the marker.

The Texas Historical Commission has established that there are no fiscal implications.

Public comment is invited and may be sent to Anice Read, Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711, within 30 days of publication in this *Register*.

These amendments are proposed under the authority of Article 6145, Vernon's Texas Civil Statutes.

.015. The Disposition of an Historical Building Medallion. The disposition of an official Texas Historical Building Medallion for a structure which has been destroyed [must be decided only after due consultation with the Texas Historical Commission through the office of the executive director. The avenue of final disposition must be approved by the Texas Historical Commission.] may be made in the following items of priority:

(1) *placed in an appropriate local museum for display;*

(2) *presented to the owner of record at the time the structure is demolished, provided he sign a legally binding agreement not to place the marker on any other structure or site in the State of Texas;*

(3) *returned to the foundry and melted down.*

Issued in Austin, Texas, on August 23, 1979.

Doc. No. 795542 Truett Latimer
Executive Director
Texas Historical Commission

Proposed Date of Adoption: October 5, 1979
For further information, please call (512) 475-3092.

Texas Department of Human Resources

Primary Home Care

The Department of Human Resources proposes various new rules about its Title XIX Primary Home Care Program. This new program is funded by 1980-81 legislative appropriation and is authorized by 42 Code of Federal Regulations 440.170(f). The goal of the Primary Home Care Program is to provide medically prescribed and supervised, long-term, non-technical assistance with activities of daily living for eligible Medicaid recipients whose chronic health problems cause serious functional limitations. The department's Alternate Care for Aged, Blind, and Disabled Adults staff is responsible for referral of clients to the program. Primary home care services will be provided in the client's residence by a primary home care attendant employed by a contract agency. The department is proposing rules for the Primary Home Care Program in the areas of program overview, eligibility require-

ments, claims processing, provider contracts, and standards for participation in the program.

The department has determined that the cost of implementing the proposed Primary Home Care Program rules, as appropriated by the 66th Legislature, will be approximately \$2,133,269 for fiscal year 1980 and \$2,581,461 for fiscal year 1981. Budget recommendations for the following years are: \$2,881,810 for fiscal year 1982; \$3,083,537 for fiscal year 1983; and \$3,428,962 for fiscal year 1984. It is expected that approximately 1,500 recipients will receive services in fiscal years 1980 and 1981.

Written comments are invited and may be sent to Susan L. Johnson, assistant chief, Systems and Procedures Bureau—369, Department of Human Resources, John H. Reagan Building, Austin, Texas 78701, within 30 days of publication in this *Register*. A hearing to accept public comment on the Primary Home Care Program proposals will be held on Wednesday, September 26, 1979, in Room 406, John H. Reagan Building, Austin, beginning at 9 a.m.

Overview 326.47.10

The following rules are proposed under the authority of the Human Resources Code, Chapter 32.

.001. Legal Base. Primary home care is an optional Title XIX program authorized by 42 Code of Federal Regulations 440.170(f). The Texas Legislature authorized implementation of the program in June 1979, to help ensure a continuum of care for eligible recipients in the Department of Human Resources' programs.

.002. Definitions.

(a) Primary home care. Primary home care is basic care provided to the recipient in his or her home (primary living arrangement).

(b) Primary home care attendant. The primary home care attendant performs long-term, nontechnical medical observation and assists with the activities of daily living necessary because of a chronic condition complicated by functional limitations. The focus of the attendant is to maintain the patient in his or her living environment and to prevent deterioration of physical function. Essential housekeeping is performed as a routine part of the service. Primary home care services are intended to prevent inappropriate institutionalization. The service must be ordered by a physician and must be provided under the supervision of a registered nurse.

(c) Family member. Any individual who resides in the same household as the primary home care recipient will be considered a family member and cannot be reimbursed for providing primary home care services. A member of the same household means those persons sharing a common abode as part of a single family unit, including those related by blood, marriage, or adoption, as well as others who live together as part of this family unit. Roomers and boarders will not be considered family members nor will unrelated persons employed by the household for the care of a disabled member.

(d) Provider/Agency. Provider/agency means a Title XIX home health agency with a Title XX family care contract.

(e) Service mix. Primary home care services may be combined with Title XX services. This combination of programs must enhance, not duplicate, service delivery to the client. Family care is the only Title XX in-home service that

can be combined with primary home care. Any Title XX out-of-home service can be combined with primary home care as long as no duplication occurs. When both family care and primary home care are provided to the client, the combined services cannot total over 20 hours per week. When the services are combined, neither primary home care nor family care can equal more than 15 hours of the total. The client must be registered on the Social Services Management System (SSMS) using the Client Registration form, if the home health agency is providing the client a Title XX service. (Use of primary home care services does not preclude the appropriate use of other Title XVIII and XIX services by the client.)

(f) Recipient. A recipient is an individual referred by the DHR worker, who has been determined eligible for Medicaid outside an institution, who has received a functional assessment, and who can apparently utilize 65 hours or less of primary home care per month.

(g) Recipient residence. A recipient's residence is the recipient's full-time abode. A recipient of this program may not reside in a hospital, nursing home, skilled facility, other institution in which nursing services are provided, or any other arrangement in which primary home care services are already being provided.

.003. Program Objective. The objective of the Primary Home Care Program is to provide nontechnical, medically prescribed and supervised, in-home personal and housekeeping services for eligible Medicaid recipients whose chronic health problems cause them to be functionally limited in the performance of daily living activities.

.004. Description of Covered Services.

(a) Title XIX primary home care services are limited to 65 hours per month per recipient whose assessed medical needs can be met by this type of service or this service in combination with other resources.

(b) Primary home care services will be provided based on program eligibility. Reassessment of the need for services is required at least every six months. The recipient service plan must be reviewed in the recipient's home by the agency registered nurse at least every 60 days.

(c) Services may include the following:

(1) basic personal care and grooming such as dressing, bathing, and routine care of the hair;

(2) assisting with bladder or bowel requirements, helping the recipient to and from the bathroom, or assisting the recipient with bedpan routines;

(3) reminding the recipient to take prescribed medications;

(4) assisting with food, nutrition, and diet activities;

(5) performing household services (if related to medical needs) which are essential to the recipient's health and comfort in his or her home, and to ensure a healthy environment, such as changing bed linens, laundering, and house cleaning;

(6) accompanying the recipient to obtain medical diagnosis and treatment.

.005. Client Appeals. The client has the right to appeal decisions, made by DHR or DHR's agents, which adversely affect his or her services, to the regional hearing officer.

Doc. No. 795564

Eligibility Requirements 326.47.20

The following rules are proposed under the authority of the Human Resources Code, Chapter 32.

.001. Client Eligibility. For an individual to receive primary home care services, he or she must be eligible for Medicaid benefits. In-home care must have been determined appropriate for the individual, and that care must have been ordered by a physician.

.002. Program Eligibility.

(a) To be eligible for primary home care, an individual must:

- (1) be eligible for Title XIX outside an institution;
- (2) score 90 or above on the functional assessment;
- (3) have physician's orders for the medical plan of care.

(b) The criteria above will be applied in the order listed. No one who fails to meet criterion number one will be considered under criterion number two; nor will anyone who fails to meet criterion number two proceed to criterion number three. The agency will call the DHR prior approval nurse on the last working day of each month to verify continuing Medicaid eligibility of primary home care recipients.

.003. Medical Eligibility. The following are the general functional criteria to be used in the program. The criteria allow for professional judgment to be applied to each individual case. Additionally, factors such as availability of resources must be considered.

(1) Mobility and transfer.

- (A) semi-ambulatory;
- (B) wheelchair;
- (C) able to use crutch, cane, or walker;
- (D) may require assistance to get from bed to chair or wheelchair, bathroom, or dining room.

(2) Grooming. May need personal grooming appropriate to individual needs.

(3) Nutrition (regular and therapeutic).

- (A) may be unable to manage own food preparation and nutrition requirements;
- (B) may require meal preparation of therapeutic diet for control of existing organic condition.

(4) Elimination.

- (A) may have lapses of bladder or bowel continence;
- (B) may require assistance to use the bedpan, urinal, or commode.

(5) Skin care. May require assistance with routine skin care including cleanliness.

(6) Medications. Must be able to self-administer medications. (Exceptions will be made if there is someone in the home to assume this responsibility.)

(7) Mental status and behavior. Must be oriented to time, place, and person. (Exceptions will be made for those who are not a threat to themselves or others, or if there is another person in the home to care for the recipient when the primary home care attendant is not in the home.)

.004. Enrollment by DHR Staff.

(a) Enrollment in the Primary Home Care Program will be offered to eligible recipients as an alternative to institutional services or as a part of other available in-home services.

(b) The maximum number of hours per month for which an individual may be enrolled is 65 (15 hours per week).

.005. Social Assessment.

(a) A DHR ACABD social worker assesses the recipient at intake to determine eligibility. The DHR caseworker completes a functional assessment of the recipient who desires alternate care services, using the Client Needs Assessment form. The DHR social worker submits a summary of the assessment, including designated hours and recommended tasks, to the provider agency. The summary is included in documentation submitted for prior authorization or renewal.

(b) The social worker contacts the client within the first 10 days and at least once every three months from the date of service initiation.

(c) In addition to providing ongoing social services, the caseworker reports to his or her supervisor any deficiencies on the part of the primary home care providers.

(d) A reassessment is done at least every six months.

Doc. No. 795565

Claims Processing 326.47.30

The following rules are proposed under the authority of the Human Resources Code, Chapter 32.

.001. Billing.

(a) Since Medicaid cannot make payment directly to recipients, the provider who performed the service must file the claim using the Health Insurance Claim form, and the State of Texas purchase voucher, as a worksheet for each billing, and agree to accept the fee as full payment for units of service provided. Providers must use their unique four digit provider number when filing claims.

(b) The normal sequence of events of a Medicaid claim with DHR is as follows:

(1) A Health Insurance Claim form is submitted each month for an individual client's services. The claim and a State of Texas purchase voucher must be received in the regional office within 90 days of the date the service is provided.

(2) DHR regional office verifies that all required information is present on the claim and indicates that prior approval was granted.

(3) The claim is processed by DHR.

(4) All adjudicated claims at month's end are paid by a single check.

.002. Reasons for Claims Denial. Claims may fail to process for any of the following reasons:

(1) Claim does not meet the 90-day filing deadline.

(2) Claim contains incorrect procedure code(s).

(3) Claim is not prior authorized.

(4) Claim is for services exceeding 65 hours for a recipient for one month.

Doc. No. 795566

Provider Contract 326.47.40

The following rule is proposed under the authority of the Human Resources Code, Chapter 32.

.001. Primary Home Care Contract.

(a) Agencies which are certified to provide Title XIX

services in a client's home and which have a Title XX family care contract with DHR are eligible to contract for primary home care. The primary home care contract will be an amendment to the agency's Title XX contract. The agency will be reimbursed at a flat rate of \$5.05 per budgetary unit. A budgetary unit is one hour of prior approved service provided by the primary home care attendant.

(b) A home health agency with a Title XX contract may subcontract with other home health agencies for primary home care services in those counties where the contractor lacks a certificate of need from the Health Facilities Commission. The agency must utilize the subcontract instrument provided by the DHR.

Doc. No. 795567

Standards for Participation 326.47.50

The following rules are proposed under the authority of the Human Resources Code, Chapter 32.

.001. Prior Authorization.

(a) Providers must submit all requests for prior authorization of services directly to the DHR regional office. Services are not to be performed before prior approval is received. The home health agency secures physician's orders and submits a service plan which includes these orders, the DHR ACABD social worker's total authorized service hours, and recommended tasks. This plan must consider the social worker's authorization to seek a mix of Title XIX and XX services. Each primary home care recipient service plan is evaluated by the DHR regional prior authorization team (the DHR regional nurse and a social worker) to determine approval or denial. The provider, the DHR caseworker, and the client are notified in writing of the approval or denial of requested services.

(b) All requests submitted for prior authorization of covered primary home care benefits must include:

(1) a Primary Home Care Recipient Service Plan (includes request for prior authorization completed by a registered nurse);

(2) a Client Needs Assessment form;

(3) physician's medical plan of care.

(c) Prior authorization and renewal authorization may be obtained by telephone. The DHR caseworker may phone the score of the Client Needs Assessment form, the recommended tasks, and the authorized hours per week to the home health agency. Written documentation must be sent to the provider agency within two weeks. The home health agency nurse contacts the client's physician to establish medical need for care and to devise the primary home care recipient service plan of care, based on information obtained from the DHR social worker and the physician.

(d) If the final plan differs from the tasks and hours recommended by the referring DHR caseworker, the home health agency nurse contacts that caseworker to resolve the differences. If a discrepancy remains, the DHR caseworker contacts the DHR prior authorization nurse for a resolution.

(e) At the time of the phone call to the prior authorization nurse, the home health agency supplies:

(1) a brief summary of the proposed service plan to include the recipient's diagnosis, prognosis, and present medical treatment, and request for prior authorization;

(2) the physician's verbal order;

(3) a social assessment recommendation.

(f) The provider, DHR social worker, and client are notified in writing of the authorization agreed upon by phone.

(g) The home health agency sends the written material necessary to substantiate the phone-approved service plan. This material is submitted within 30 days of the date of the phone approval.

(h) Upon receipt of the documentation, the DHR prior authorization team (nurse and social worker) review the total documentation to verify the phone approval. The agency, DHR social worker, and client are notified in writing of the approval of the documentation review within one week of the receipt of the documentation.

(i) If the written material does not support the plan approved over the phone, the DHR prior approval team contacts the referring home health agency. Billings will not be processed until the DHR prior approval team has reviewed the sign-off on the written documentation.

.002. *Authorization Renewal.* All requests submitted for renewal of authorization for covered primary home care benefits must include:

(1) a Primary Home Care Recipient Service Plan (includes request for prior authorization);

(2) a Client Needs Assessment form;

(3) physician's medical plan of care.

.003. Physician Supervision.

(a) A recipient receiving primary home care services must have a physician's order to establish the diagnosis and define the medical plan of care.

(b) The medical plan of care includes:

(1) primary diagnosis;

(2) secondary diagnosis;

(3) prognosis;

(4) functional limitations and activity permitted;

(5) medication prescribed and dosage;

(6) diet;

(7) allergies;

(8) safety measures;

(9) duration of services, if less than six months.

(c) Recipients receiving primary home care services must remain under the supervision of a physician who reviews and revises the plan of care at least every six months, or more often if necessary.

.004. Registered Nurse Supervision.

(a) A recipient who receives primary home care services must have a service plan. This plan is based on the physician's orders, reflecting the patients' physical, psychosocial, emotional, environmental, and primary home care needs.

(b) A registered nurse in the home health agency lists the specific primary home care tasks which are required to maintain the recipient in his or her own home. The nurse completes the Primary Home Care Recipient Service Plan.

(c) The plan of care should be reviewed by the home health agency registered nurse in the recipient's home at least every 60 days.

(d) The ratio of home health agency registered nurses assigned to primary home care attendants will be 1 to 75.

(e) The home health agency registered nurse instructs the primary home care attendant about essential observations of a recipient's health and identifies conditions which should immediately be brought to the attention of either the nurse or the attending physician.

(f) The home health agency registered nurse assigned to the recipient visits the recipient at least every 60 days to assess the recipient's health condition, as well as the quality of primary home care services provided.

.005. Program Exclusions.

(a) Primary home care services must never be confused with services of a higher level which should be performed by persons with the proper professional training, such as:

- (1) insertion and sterile irrigation of catheters;
- (2) irrigation of any body cavities which requires sterile procedures;
- (3) application of dressings, involving prescription medication and aseptic techniques, including skin care;
- (4) giving injections of fluids into veins, muscles, or skin;
- (5) administering medicine.

(b) Primary home care services should also not be confused with services which would more appropriately be provided by persons who provide chore services in the home, such as:

- (1) cleaning floor and furniture in areas not occupied by the recipient;
- (2) laundering, other than that incidental to the care of the recipient;
- (3) shopping for groceries or household items other than items required specifically for the health and maintenance of the recipient. This would not preclude a primary home care provider's shopping for items needed by the recipient, but also used by the rest of the household.

.006. Training of Attendants.

(a) Attendants are required to successfully complete a prescribed course of study on primary home care. The primary home care training course must be developed according to written guidelines specified by DHR.

(b) Employees must complete the prescribed course of study within 90 days following employment. New providers will ensure that all attendants on their staff have completed the course within 90 days following the date of provider enrollment.

(c) The training courses for attendants must include the following:

- (1) orientation;
- (2) nursing I;
- (3) nursing II;
- (4) social/gerontological I;
- (5) body mechanics;
- (6) nutrition I;
- (7) nutrition II;
- (8) nursing III;
- (9) social/gerontological II;
- (10) social/gerontological III.

(d) Each of the above 10 units is a four-hour course. Credit may be given in each unit for past experience and training if performance proficiency can be demonstrated; however, four hours orientation and one hour in each of the other nine areas of prescribed course of study are required.

.007. Recordkeeping.

(a) The primary home care attendant maintains adequate records. The record should serve two purposes.

(1) The record should contain the home health agency registered nurse's instructions to the provider regarding the tasks to be performed. At each review, the registered

nurse documents the visit, signs the record, and updates the instructions.

(2) The record should contain the provider's daily notes on tasks performed, conditions of the patient, and time of arrival and departure (including total number of hours).

(b) When the primary home care services are terminated, records maintained by the primary home care provider will be turned over to the home health agency assigned registered nurse. Such records will become a part of the patient's health chart and be retained as documentation of the provision of the services.

.008. Claims Payment.

(a) Claims must be received in the regional office within 90 days of the date the service was delivered.

(b) By submitting primary home care claims, the provider agrees to abide by policies and procedures of the program as expressed by the information and instructions contained in these rules.

(c) The payment made by the Primary Home Care Program is the amount in full and must be accepted by the provider as such.

.009. Termination of Services.

(a) Recipient services may be terminated before the end of service authorization for any of the following reasons:

- (1) Recipient moves.
- (2) Recipient dies.
- (3) Recipient admitted to institution or nursing home.
- (4) Recipient admitted to hospital for stay exceeding 14 days.
- (5) Recipient requests service termination.
- (6) Physician requests service termination.
- (7) Recipient loses Title XIX eligibility.

(b) The provider must notify the prior approval office and the DHR social worker of any of the above.

Doc. No. 795568

Alternate Care for Aged, Blind, and Disabled Adults

Title XIX Primary Home Care 326.58.57

The Department of Human Resources proposes Rules 326.58.57.001-.005 about the Title XIX Primary Home Care Program in its Alternate Care for Aged, Blind, and Disabled Adults (ACABD) rules. This new program is funded by 1980-1981 legislative appropriation and is authorized by 42 Code of Federal Regulations 440.170(f). The goal of the Primary Home Care Program is to provide medically prescribed and supervised, long-term, nontechnical assistance with activities of daily living for eligible Medicaid recipients whose chronic health problems cause serious functional limitations. The ACABD staff is responsible for referral of clients to the program. Primary home care services will be provided in the client's residence by a primary home care attendant employed by a contract agency.

Primary Home Care Program rules are being proposed in this issue of the *Texas Register*. Because ACABD staff is responsible for client referral to the program, the department is also adding this new subchapter to its ACABD rules.

The department has determined that the proposed rules will have no fiscal implications for the state or units of local government.

Written comments are invited and may be sent to Susan L. Johnson, assistant chief, Systems and Procedures Bureau—369, Department of Human Resources, John H. Reagan Building, Austin, Texas 78701, within 30 days of publication in this *Register*. A hearing to accept public comment on the Primary Home Care Program proposals will be held on Wednesday, September 26, 1979, in Room 406, John H. Reagan Building, Austin, beginning at 9 a.m.

The following rules are proposed under the authority of the Human Resources Code, Chapter 22.

.001. Definition and Description.

(a) The objective of the Primary Home Care Program is to provide nontechnical medically prescribed and supervised, in-home personal and housekeeping services for eligible Medicaid recipients whose chronic health problems cause them to be functionally limited in their performance of daily living activities. Primary home care services are provided in the client's residence by a primary home care attendant employed by the contract agency. The attendant cannot be any individual who resides in the same household as the primary home care client. Member of the same household means those persons sharing a common abode as part of a single family unit, including those related by blood, marriage, or adoption, as well as others who live together as part of this family unit. Roomers and boarders will not be considered as family members, nor will unrelated persons employed by the household for the care of a disabled member.

(b) A client's residence is his or her full-time abode. A client in this program may not reside in a hospital, nursing home, skilled facility, other institution in which nursing services are provided, or any other arrangement in which primary home care type services are already being provided.

(c) Primary home care services may be combined with Title XX services. This combination of programs must enhance, not duplicate, service delivery to the client. Family care is the only Title XX in-home service that can be combined with primary home care.

(d) Any out-of-home service that can be combined with primary home care as long as no duplication of service occurs. A primary home care client will receive case management of protective services from ACABD workers.

(e) The services available through primary home care are:

- (1) basic personal care and grooming, such as dressing, bathing, and routine care of the hair;
- (2) assisting with bladder or bowel requirements or problems, helping the client to and from the bathroom, or assisting the client with bedpan routines;
- (3) reminding the client to take prescribed medications;
- (4) assisting with food, nutrition, and diet activities;
- (5) performing household services (if related to medical needs) which are essential to the client's health and comfort in his or her home, and to ensure a healthy environment, such as changing bed linens, laundering, and house cleaning;
- (6) accompanying the client to obtain medical diagnosis and treatment.

(f) Primary home care services should not be confused with services of a higher medical skill level, which should be

performed by persons with the proper professional training. These services include:

- (1) insertion and sterile irrigation of catheters;
- (2) irrigation of any body cavities which requires sterile procedures;
- (3) application of dressings involving prescription medication and aseptic techniques, including skin care;
- (4) giving injections of fluids intravenously, in muscles, or skin;
- (5) administering medicine.

(g) Primary home care services also should not be confused with services which would more appropriately be provided by persons who provide chore services in the home, such as:

- (1) cleaning floor and furniture in areas not occupied by the client;
- (2) laundering, other than that incidental to the care of the client;
- (3) shopping for groceries or other household items other than those required specifically for the health and maintenance of the client. This would not preclude a primary home care attendant's shopping for items needed by the client, but also used by the rest of the household.

.002. Eligibility.

(a) To be eligible for primary home care, an individual must:

- (1) Be eligible for Title XIX outside an institution.
- (2) Score 90 or above on the functional assessment.
- (3) Be oriented to time, place, and person. Exceptions will be made for those who are not a threat to themselves or others, or if there is another person in the home to care for the client when the primary home care attendant is not in the home.
- (4) Be able to self-administer medications. Exceptions will be made if there is someone in the home to assume this responsibility.
- (5) Have a medical need and physician's orders for the plan of care.

(b) Criteria one and two are determined by the DHR worker. The DHR worker will provide the contract agency with information concerning the exceptions to criteria three and four when appropriate.

(c) Title XIX primary home care services are limited to 65 hours per month per client. When both family care and primary home care are proved to the client, the combined services cannot total over 20 hours per week. When the services are combined, neither primary home care nor family care can equal more than 15 hours of the total.

.003. Prior Approval Team.

(a) The prior approval team consists of the DHR regional nurse and an ACABD worker or supervisor. This team is responsible for ensuring that the service plans submitted by the home health agency (HHA) and referring DHR worker are appropriate, comprehensive, and do not contain a duplication of services. The team also verifies that the client meets the eligibility criteria for both Title XIX and Title XX.

(b) The nurse is responsible for the primary home care part of the service plan. The ACABD social worker or supervisor is responsible for the Title XX part of the service plan. The purpose of this combination is to promote comprehensive client-centered plans. This can best be achieved by both the nurse and the social worker coming to a joint agreement on the total plan. The review of the written plan of care and

documentation must be done by both members of the team in a face-to-face meeting. Both parties are to sign-off the plan and add any comments they wish to make. If the written material does not support the verbally approved plan, the prior approval team is authorized to change the plan after discussing the matter with the HHA and referring DHR worker. No Title XIX billing on a particular client will be processed unless the written documentation of the primary home care service plan has been approved by the nurse. The nurse responds to the verbal request for prior approval, preferably with the input of the prior approval social worker.

(c) The prior approval nurse will confirm both verbal approval and sign-off on written material in writing to the client, contract agency, and the referring DHR worker. This written confirmation will include the approved tasks, the days of the week, and hours of the day the tasks are to be performed.

.004. Referral to Contract Agencies.

(a) When the DHR worker determines that the client needs in-home services and meets the initial criteria for primary home care, a referral is sent to the HHA offering primary home care. If more than one agency is available, the referral will be sent to the agency that the client chooses.

(b) The HHA contacts the client's physician and develops a detailed service plan. If the hours in the HHA service plan do not match the referring DHR worker's authorization, the HHA nurse contacts the referring DHR worker to resolve the difference. If the HHA nurse and DHR worker are unable to resolve the issue, the DHR worker contacts the prior approval nurse for a resolution. The HHA sends the plan of care and supporting documentation, including the referral material from the DHR worker, to the prior approval team in the region. The DHR prior approval team reviews the material to ensure that the documentation supports the service plan and to resolve any differences that still remain between the DHR worker's authorization and recommendation and the HHA plan of care. The nurse and DHR social worker will reach a consensus on the written service plan. Prior approval must be given before service is begun.

(c) If the client's condition requires the prompt delivery of service, the following procedures may be used. The DHR worker may phone in his or her referral to the HHA. The DHR worker sends the written material within two weeks of the phone call. If the hours in the HHA plan of care match the DHR worker's authorization, the HHA calls the prior approval team for a verbal approval. The nurse has the authority to approve the plan over the phone. The HHA follows-up with the written plan of care and documentation within 30 days of the verbal approval.

(d) If the written material does not support the verbally approved plan, the prior approval team is authorized to change the plan after discussing the matter with the HHA and referring DHR worker.

(e) The DHR worker reviews the written confirmation from the prior approval team and contacts the team to discuss any questions about the final service plan.

(f) The DHR worker contacts the client within the first 10 days and at least once every three months from the date of service initiation. In addition to providing case management services, the DHR worker reports to his or her supervisor any deficiencies on the part of the primary home care attendant. The DHR supervisor passes on these complaints to the contract manager.

(g) The DHR worker reassesses a primary home care client before the prior approval expires. The process and written documentation is the same as with a new client.

.005. Contracting Procedures.

(a) Providers and agencies certified to provide Title XIX services in a client's home and which have a Title XX family care contract with DHR are eligible to contract for primary home care. The primary home care contract will be an amendment to the agency's Title XX family care contract. The agency will be reimbursed at a flat rate of \$5.05 per budgetary unit. A budgetary unit is one hour of prior approved service provided by the primary home care attendant.

(b) A home health agency with a Title XX contract may subcontract with other home health agencies for primary home care services in those counties where the contractor lacks a certificate of need from the Health Facilities Commission. The agency must utilize the subcontract instrument provided by the DHR.

(c) Complaints concerning a contact agency are handled by the contract manager and the prior approval team. The contract manager is the contact point for resolving billing or other contract problems that the agency may have.

Issued in Austin, Texas, on August 28, 1979.

Doc. No. 795569 Jerome Chapman
Commissioner
Texas Department of Human Resources

Proposed Date of Adoption: October 5, 1979
For further information, please call (512) 475-4601.

Texas Water Development Board Effluent Standards

Domestic Wastewater Treatment Plants 156.18.05

The Texas Department of Water Resources proposes amending Chapter 18, Domestic Wastewater Treatment Plants. The amendments clarify the language of the rules in several places. In addition, Rule .003(a) and (b) has been amended so as to better explain how to determine the applicable effluent set. Rule .003(c), Disinfection and Discharges into Certain Reservoirs, has been amended so as to require any exceptions to such rule to be justified by proving that the exception would have a negligible impact on the water quality of the reservoir. Rule .003(f) has been added so as to provide the establishment of more stringent effluent limitations when necessary to attain and maintain better water quality. The table establishing Effluent Standards for Domestic Wastewater Treatment Plants has been amended by deleting several effluent sets and making the nitrogen requirements more stringent in Effluent Set 2-N.

The general counsel of the department has determined that the proposed amendment of the rules will have no fiscal impact to the state or units of local government. No local units of government have been consulted in this estimate. However, the amended rules are essentially the same as the previous rules covering this area.

Public comment on the proposed amendments to Rules .001-.004 is invited. Persons should submit their comments

in writing to Susan Plettman, staff attorney, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-6658, before October 16, 1979.

These amendments are proposed under the authority of Sections 5.131 and 5.132, Texas Water Code.

.001. Introduction and Purpose.

(a) *The purpose of these rules is* [From the standpoint of proper management of a system of permits and with the onset of federal regulations and standards for municipal effluents, it now appears appropriate] to promulgate a set of effluent quality standards [which would be] consistent with given classes of treatment processes *to be* [and which would be] applied as necessary to meet treatment requirements based on water quality conditions. "Secondary treatment" by a publicly owned treatment plant is [being] defined by EPA, with exceptions applicable to certain oxidation pond *systems* [processes], as reduction to the following effluent quality:

	30-Day Average	7-Day Average
BOD, mg/l	30	45
Suspended Solids (TSS), mg/l	30	45
pH, units	Within limits of 6.0 - 9.0	

Furthermore, in this definition, the reduction of BOD and TSS through a treatment plant shall be a minimum of 85%. For oxidation ponds meeting *the conditions set out in Rule .003(d) of this chapter, the suspended solids level may be adjusted to 90 mg/l TSS, the level* [certain conditions, the EPA allows adjustment of suspended solids levels to conform to that] achievable with best waste stabilization pond technology. [In the EPA Region VI contiguous area, this level is 90 mg/l TSS.]

(b) *The department's experience enforcing a secondary treatment requirement for wastewater treatment plants has demonstrated* [Based on substantial experience of enforcing a secondary treatment requirement for wastewater treatment plants, it is generally accepted] that a higher quality of effluent, i.e., 20 mg/l of BOD and TSS, *can* [should] be expected from *conventional secondary treatment facilities* [most sewage treatment plants. Furthermore, it has been recognized that maintenance of water quality standards will, in many locations, require even higher effluent quality standards.]

(c) [Pursuant to the requirements of the federal law,] The State of Texas has established a State Water Quality Management Program and a continuing planning process which sets forth the strategy and procedures for accomplishing the management program's objectives. Essential elements of the program comprise basin planning and waste load allocations by basin segments. In order to achieve compliance with water quality standards within certain segments, it is necessary to establish effluent quality standards for basic secondary treatment plants as well as for the "tertiary" treatment processes required to protect water quality. [Of necessity, due to time restrictions, the basin planning is proceeding on the basis of assumptions regarding possible quality conditions which could be imposed for wastewater treatment plant effluents.]

.002. Rationale for Effluent Sets.

(a) *The effluent sets in Table 1 are written to provide an approach to waste treatment that accounts for the*

manner in which pollutant concentrations respond to various treatment processes. During the treatment process, the pollutant concentration is decreased either gradually, as the limitation of a particular unit process is approached, or stepwise, as additional unit processes are employed. A pollutant concentration beyond the capability of one unit process, while not adequately utilizing the potential of the next unit process, should not ordinarily dictate specifying a pollutant concentration which utilizes the majority of the process capability, avoids the diminishing return, and allows for the normal variations in plant efficiencies due to the operational modes and seasonal and climatic variations. Realistically, it is not ordinarily possible to decrease the concentration of a pollutant in wastewater from its initial concentration in the raw wastewater to the concentration desired. Rather, the pollutant concentration is decreased either gradually, as the limitation of a particular unit process is approached, or stepwise, as additional unit processes are employed.]

(b) *When departures from the uniform sets of effluent criteria are requested, any departure shall be fully justified in the permit application.* [Effluent criteria specified in permits should recognize the manner in which pollutant concentrations respond to various treatment processes. A pollutant concentration beyond the capability of one unit process, while not adequately utilizing the potential of the next unit process, should not ordinarily dictate specifying a pollutant concentration which utilizes the majority of the process capability, avoids the diminishing return, and allows for the normal variations in plant efficiencies due to the influences of operational modes, seasonal and climatic differences, etc. The proposed effluent numbers are intended to provide for such an approach to waste treatment.]

(c) [With the objectives of avoiding irrational and random variations in effluent criteria and of enumerating sets of effluent criteria for use under defined circumstances, the following effluent standards table and instructions have been prepared. When occasions arise when departures from a uniform set of effluent criteria are indicated, as will undoubtedly be the case, departures will be fully justified in the permit application and hearing process. Slight adjustments to existing permits are indicated in Rule .003, however, these will not appreciably impact enforcement of presently existing permit conditions.]

.003. Application of Effluent Sets [Instructions].

(a) *Existing sources* [National Pollutant Discharge Elimination System (NPDES) permits for existing waste control orders].

(1) Effluent limitation segment. Oxygen resources: *Effluent Set 1 shall be used for systems other than oxidation pond systems.* [Use Effluent Set 1 to replace existing 18/18 and 20/20 permits for other than oxidation pond systems.]

(2) Water quality segment. Oxygen resources: *When* [Where] a waste load allocation has been completed, *the first effluent set meeting the allocation shall be used.* [use the first effluent set meeting allocation if no allocation has yet been made, use Set 2 to replace 16/16, 12/12, and 10/10 permit, and Set 4 to replace 5/5 permits.]

(b) [NPDES permits for] New sources.

(1) Effluent limitation segment *and receiving streams for which numerical criteria have not been specified.* Oxygen resources: *Comparing the stream*

assimilative capacity and Effluent Set 1, the more stringent effluent set shall be used. [Compute stream assimilative capacity, compare Effluent Set 1 with allowable capacity and evaluate effects on stream quality and local conditions; if no conflict would result, use Effluent Set 1. If required due to immediate impact, adjust to appropriate higher effluent set.]

(2) Water quality segment. Oxygen resources: *Comparing the load allocation for segment and the load based on Effluent Set 1, the more stringent effluent set shall be used.* [Compare load based on Effluent Set 1 with load allocation for segment and evaluate effects on stream quality and local conditions; if no conflict would result, use Set 1. If necessary to satisfy above conditions, use appropriate higher effluent set.]

(c) Disinfection and discharges into certain reservoirs. Any discharge made within five miles of a reservoir or lake covered by a private sewage facility regulation issued pursuant to Chapter 26 of the Texas Water Code, or which serves as a source for domestic drinking water, shall be governed by Effluent Set 2 and A. Five miles shall be measured in stream miles from the normal conservation pool elevation. Any *exceptions to this rule must* [departures from this instruction will] be fully justified in the *permitting process so as to prove that such exception would have a negligible impact on the water quality of the reservoir* [permit application and hearing process]. Disinfection for all discharges shall be as outlined in Effluent Set A.

(d) (No change.)

(e) The *commission may allow the* [practice of utilizing] *utilization of* sewage effluent for irrigation purposes [is permitted] when *the applicant demonstrates* [it can be shown] that this practice will not alter the uses of the existing groundwaters or detrimentally affect the surface waters of the State of Texas. Each project will also be consistent with laws regulating water rights in the State of Texas. Project types will fall into three categories: irrigation, infiltration-percolation, or overland flow. The purpose of a project will be to dispose of treated effluent or to further enhance the

quality of the effluent prior to discharge or a combination of the two. When land disposal systems will utilize lands to which the public has access for the ultimate disposal of effluent, the effluent applied shall be treated to a degree equivalent to existing secondary level standards. When agricultural lands are to be irrigated, primary effluent may be utilized consistently with environmental safeguards and the protection of ground and surface water. Primary treatment means solids separation as may be accomplished by primary clarifiers, Imhoff tanks, and other units designed in accordance with all applicable requirements of the most recent design criteria for sewerage systems promulgated by the department.

(f) *If discharges of pollutants from a point source or group of point sources, with the application of effluent limitations in accordance with paragraphs (a) and (b), would interfere with the attainment or maintenance of water quality of a stream which assures protection of public water supplies, agricultural and industrial uses, and the protection and propagation of a balanced population of shellfish, fish, and wildlife, and allow recreational activities in and on the water, the commission in individual permits or the board by rule may establish effluent limitations for such point source or sources which can reasonably be expected to contribute to the attainment or maintenance of such water quality.*

.004. *Table 1, Effluent Standards for Domestic Wastewater Treatment Plants (Attached). This table contains the sets of effluent criteria for waste discharge permits.*

Issued in Austin, Texas on August 10, 1979.

Doc. No. 795532 Bruce Bigelow
 General Counsel
 Texas Department of Water Resources

Proposed Date of Adoption: October 16, 1979
 For further information, please call (512) 475-6658.

Table 1
Effluent Standards for Domestic Wastewater Treatment Plants

		30-Day Average		7-Day Average				24-Hr. Composite				Grab Samples											
		NH ₃		NH ₃		NH ₃		NH ₃		Column I(1)				Column II(2)									
		BOD	TSS	N	P	BOD	TSS	N	P	BOD	TSS	N	P	BOD	TSS	N	P	BOD	TSS	N	P	O ₂	Cl ₂
Oxygen Demand	X	30	90			45	45			70				50				100				(3)	(4)
	0	30	30			45	45			70	70			50	50			100	100				
	1	20	20			30	30			45	45			35	35			65	65				
	2	10	15			15	25			25	40			20	25			35	60			2	
	[3	5	10			10	20			20	35			10	20			30	60			4	
	4	5				10	10			20	20			10	10			30	30				
	2-N	10	15	3	[5]	15	25	6	[10]	25	40	10	[15]	20	25	8	[15]	35	60	15		4	[2]
	[3-N	5	10			10	20	10		20	35	15		10	20	15		30	60	15		4	
	[4-N	5	5	3		10	10	6		20	20	10		10	10	8		30	30	15		4	
Disinfection	A(5)																						1 20
Nutrient Removal	3-P	5	10		2	10	20		4	20	35		7	10	20		4	30	60		10	4	
	4-P	5	5		1	10	10		2	20	20		4	10	10		2	30	30		6	4	

- (1) When examining 5 consecutive grab samples randomly collected on separate days by the same entity, the pollutant concentration shall not exceed the specified level in more than 2 samples.
- (2) Single grab sample (instantaneous) limit
- (3) Not less than
- (4) Detention time in minutes
- (5) Any combination of detention time and chlorine residual where the product of Cl₂(mg/l)xt(min.) equals or exceeds 20 is satisfactory except that the minimum detention time shall be 20 minutes and the minimum residual shall be 0.5 mg/l. Disinfection is not required where secondary treatment is provided by properly designed and constructed stabilization ponds unless: (1) the discharge is made within five miles of a reservoir or lake covered by a Septic Tank Board Order, or (2) it is deemed necessary to protect public health, or (3) it is necessary to meet the stream standards of the receiving waters.

Treatment Process Corresponding to Effluent Set

SET x - Oxidation ponds meeting requirements in Section .003 D) of these Rules.

- 0 - Other Oxidation Ponds
- 1 - secondary (conventional design)
- 2 - modified secondary (enhanced solids separation)
- [3 - set 2 with chemical addition]
- [4 - set 3 with filters]

SET 2-N - set 2 with biological nitrification

- [3-N - set 3 with biological nitrification]
- [4-N - set 4 with biological nitrification]
- [3-P - chemical addition in biological process]
- [4-P - chemical precipitation after biological treatment]

2-P - CHEMICAL PRECIPITATION AFTER BIOLOGICAL TREATMENT

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

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

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

Comptroller of Public Accounts

Tax Administration

Business Tax Division 026.02.12

Under the authority of Texas Taxation—General Annotated, Article 12.12 (Vernon Supplement 1978-1979), the comptroller of public accounts has adopted Rule 026.02.12.011 to read as follows:

.011. County Assessed Value.

(a)-(d) (No change.)

(e) For the purpose of determining whether real and personal property owned by a corporation must be reported, the holder of legal title is presumed to be the owner of the property. This presumption may be overcome by showing that another entity holds equitable title to the property. For the purposes of this rule, equitable title means the holding of such a present right to legal title that an entity has a right to have legal title transferred to it by a court, or that the entity is entitled to the performance of certain duties and the exercise of certain powers by the legal title holder, which performance may be compelled by a court. When property is held by a corporation in cotenancy, the corporation shall report its ownership of the property according to its respective share or percent of ownership.

(f) When a corporation holds the equitable title to property, the corporation must include the property in its franchise tax return.

(g) The following is a nonexclusive list of specific situations which describe the evidence which will be considered necessary to establish equitable title. However, the comptroller may require additional information.

(1) Contract for sale, executory contract for sale, or land installment contract. Equitable title in the purchaser can be established by evidence of full performance of the obligations, including payment of the full contract price by the purchaser or proof that legal title has been conveyed to the purchaser.

(2) Partnership (limited and general).

(A) When the corporation is a member of a partnership, equitable title can be established in the partnership by a written agreement of the partners stating that the corporation is to hold legal title for the benefit of the partnership; evidence establishing that partnership assets have been used to purchase the property or that the partnership is legally obligated to pay for the property; evidence that the legal title holder has made no more than incidental use of the property; and federal income tax returns showing that the partnership claims the property.

(B) When the corporation is not a member of the partnership, equitable title can be established in the partnership by a written agreement showing that the corporation holds legal title as nominee or agent for the benefit of the partnership; evidence establishing that partnership assets have been used to purchase property or that the partnership is legally obligated to pay for the property; evidence that the legal title holder has made no more than incidental use of the property; and federal income tax returns showing that the partnership claims the property.

(C) A conveyance or deed from the partnership to the corporation "as trustee" or "in trust," which names the partnership as the beneficiary, and which meets the requirements of the Texas Trust Act, Texas Revised Civil Statutes Annotated, Article 7425b-7 (1960).

(3) Joint venture or syndicate. When a corporation holds property for a joint venture or syndicate, equitable title can be established in the joint venture or syndicate by a written agreement showing that the corporation holds legal title as nominee or agent for the benefit of the joint venture or syndicate; federal income tax returns showing that the joint venture or syndicate claims the property; evidence establishing that assets of the joint venture or syndicate have been used to purchase the property or that the joint venture or syndicate is legally obligated to pay for the property; and evidence that the legal title holder has made no more than incidental use of the property.

(4) Trust.

(A) The existence of an express trust as evidenced by a written agreement appointing the corporation as trustee and vesting the corporation with legal title to be held for the benefit of the beneficiaries. The written agreement must meet the requisites of a trust provided by the Texas Trust Act, Texas Revised Civil Statutes Annotated, Article 7425b-7 (1960); or

(B) The existence of a conveyance or deed to the corporation "in trust" or "as trustee," or which names the beneficiaries, and which meets the requirements imposed by the Texas Trust Act, Texas Revised Civil Statutes Annotated, Article 7425b-7 (1960); or

(C) The existence of a valid will transferring property to the corporation as trustee for the benefit of others, and which meets the requirements of the Texas Trust Act, Texas Revised Civil Statutes, Annotated, Article 7425b-7 (1960).

Issued in Austin, Texas, on August 29, 1979.

Doc. No. 795583 Bob Bullock
Comptroller of Public Accounts

Effective Date: September 19, 1979
Proposal Publication Date: June 12, 1979
For further information, please call (512) 475-4761.



Texas State Board of Medical Examiners

Licensure by Examination 386.02.00

Under the authority of Articles 4496 and 4509, Texas Civil Statutes, the Texas State Board of Medical Examiners has adopted Rule 386.02.00.003(o), to read as follows:

.003. Time, Place, and Scope of Examination.

(a)-(n) (No change.)

(o) Examinees who fail in a partial or complete examination shall be required to repeat the full day of the examination in which the appropriate failed subject occurred. If an examinee fails the FLEX examination on three occasions, that person shall be required to give evidence to the board of additional postgraduate training acceptable to the board and cannot take the FLEX examination for one year and until evidence of further postgraduate training has been accepted by the board. The examinee may apply one additional time for the FLEX examination. If the examinee again fails the FLEX examination, it will be at the board's discretion as to if the examinee will be allowed to sit for the examination again. For purposes of clarification, a FLEX examination shall be considered when it is administered by any appropriate licensing body. In the event an applicant has failed the examination on three occasions and has presented evidence of additional postgraduate training acceptable to the board, such applicant shall be required to take the full examination even though the applicant may have on prior occasions successfully passed one or more days of the examination. In the event an applicant has failed the examination, such applicant must apply for re-examination in Texas within two years of the date of last failure. If applicant fails to adhere to this requirement, the application shall be considered inactive, null, and void, and the application fee submitted with such application shall be null and void. If applicant subsequently applies for re-examination after the two-year time limit has passed, such applicant must file the appropriate new application for examination, complete with new examination fee, before being allowed to retake the examination. Such applicant will then be required to retake the entire FLEX and jurisprudence examinations, even though such applicant may have on prior occasions successfully passed one or more days of the examination.

Doc. No. 795536

Applications 386.07.00

Under the authority of Articles 4496 and 4509, Texas Civil

Statutes, the Texas State Board of Medical Examiners has adopted Rule 386.07.00.003, to read as follows:

.003. Incomplete Applications. An application for licensure by reciprocity or examination which has been filed with the board office and which is in excess of two years old from the date of initiation of such application shall be considered null, void, and inactive, and any fee previously submitted with that application shall be null and void. Any further application procedure for licensure will require submission of new application on forms approved by the board, with inclusion of applicable licensure fee.

Issued in Austin, Texas, on August 23, 1979.

Doc. No. 795537

A. Bryan Spires, Jr., M.D.

Secretary-Treasurer

Texas State Board of Medical Examiners

Effective Date: September 14, 1979

Proposal Publication Date: July 24, 1979

For further information, please call (512) 474-6335.

Texas Department of Mental Health and Mental Retardation

Client (Patient) Care

Quality Assurance 302.04.38

Pursuant to the authority contained in Section 2.11(b) of Article 5547-202, Texas Civil Statutes, the Texas Department of Mental Health and Mental Retardation has adopted Rules 302.04.38.001-.006 to read as follows:

.001. Purpose. The purpose of these rules is to set forth the goals, activities, and structure of the quality assurance system of the Texas Department of Mental Health and Mental Retardation.

.002. Application. These rules apply to the Texas Research Institute of Mental Sciences, the Rio Grande State Center for Mental Health and Mental Retardation, all state centers for human development, all state schools, and all state hospitals, including outreach programs, of the Texas Department of Mental Health and Mental Retardation.

.003. Definitions. In these rules,

(a) "Criteria" means predetermined measures against which aspects of the quality of a service may be compared. Criteria are developed by professionals relying on professional expertise and on the professional literature.

(b) "Individual case review" means concurrent review of an individual client's program by his training/treatment team to ensure the adequacy and appropriateness of services.

(c) "Interdisciplinary peer review" means an evaluation by an interdisciplinary group of the client care delivered by another interdisciplinary group.

(d) "Management audit" means the process, required by ICF-MR standards, of reviewing all aspects of facility operation to assure compliance with applicable local, state, and federal regulations and standards and taking action to correct variations.

(e) "Outcome-oriented criteria" means measures of change in client condition or behavior.

(f) "Peer review" means an evaluation, by professionals of a given discipline, of the client care delivered by

another professional of that discipline.

(g) "Process-oriented criteria" means measures of the patterns of service delivery and resource utilization including the appropriateness, adequacy, and quantity of services as well as their continuity and integration.

(h) "Professional standards review organization (PSRO)" means an organization authorized under Public Law 92-603 which reviews the medical necessity, quality, and appropriate utilization of institutional health care services provided to beneficiaries of the Medicare, Medicaid, and Maternal and Child Health (Social Security Act Titles XVIII, XIX, and V) Programs.

(i) "Program analysis" means exploratory data collection to identify trends, develop profiles, or establish norms regarding service delivery.

(j) "Program evaluation" means the process of comparing similar programs or measuring programs in relation to criteria, norms, or objectives.

(k) "PSRO-delegated review status" means approval of a facility, by a professional standards review organization, for the facility to perform certain review activities required by the PSRO, i.e., admission certification, continued stay review, medical care evaluations, and review and necessary corrective action on profiles which do not meet screening norms, criteria, or standards.

(l) "Quality assurance" means the over-all goal of ensuring the provision of optimal client care. 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 actions to eliminate identified deficiencies.

(m) "Quality of care review" means a process of unidisciplinary or interdisciplinary peer review of patterns of practitioner performance and/or client outcome relative to criteria, peer analysis of variations from the criteria, recommended corrective actions, follow-up of corrective actions, and periodic reassessment to determine whether areas of performance and/or outcome variation have been improved and maintained.

(n) "Standards compliance" means the process of achieving and maintaining facility compliance with standards and departmental policies.

(o) "Structure-oriented criteria" means measures related to service resources and the organization of those resources.

(p) "Utilization review (UR)" means concurrent review of the necessity, appropriateness, and efficacy of the use of medical services, procedures, and facilities.

.004. *Goals of the Quality Assurance System.* The goals of the quality assurance system are:

(1) continuous improvement of the quality of care in training/treatment setting or programs;

(2) facility compliance with applicable regulations (e.g., local, state, and federal) statutes; Department of Health, Education, and Welfare regulations for intermediate care facilities for the mentally retarded; Joint Commission on the Accreditation of Hospitals' standards for services for mentally retarded and other developmentally disabled persons, when directed by the deputy commissioner for mental retardation services, or standards for psychiatric facilities; and rules of the commissioner);

(3) facility attainment and maintenance of PSRO-delegated review status;

(4) provision of evidence (e.g., accreditation, cer-

tification, 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 care to all clients.

.005. *Quality Assurance Activities.* Each facility, utilizing quality assurance sections to coordinate facility-wide efforts, will:

(1) achieve and maintain compliance with established standards and departmental policies by:

(A) conducting self-surveys and coordinating Central Office presurveys and external agency surveys to monitor facility performance relative to established standards and policies (e.g., intermediate care facilities for the mentally retarded standards, Joint Commission on the Accreditation of Hospitals' standards, and rules of the commissioner) and identify areas which vary significantly from established standards or policies;

(B) assisting in management audits at request of the superintendent or director;

(C) providing deficiency reports and assisting facility staff, as needed, in the development of plans of correction;

(D) monitoring plans of correction and reporting progress as directed by the superintendent or director or for deficiencies identified by external surveys as directed by the appropriate deputy commissioner;

(2) maintain a system for determining whether the interdisciplinary training/treatment teams develop and implement plans of care for clients that include the following:

(A) diagnosis or problem resulting in admission;

(B) description of client's current level of functioning;

(C) goals and objectives of training/treatment;

(D) methods to be used in achieving goals and objectives;

(E) systematic review and modification of the plan or care;

(F) discharge plan;

(G) signatures of persons responsible for implementing the plan of care, including the client and/or his or her parent or guardian, when appropriate;

(3) assess, through interdisciplinary peer review, the necessity and appropriateness of services (e.g., utilization review) by:

(A) reviewing admissions to certify that particular levels of care are necessary and will probably be necessary for a specific time period, i.e., length of stay, and to ensure the immediate initiation of discharge planning;

(B) reviewing the continued stay of residential clients to determine that continued stay at the current level of care is necessary, assign or deny a period of recertification, ensure effective discharge planning, and assess the efficacy of services being provided:

(i) necessity for a particular level of care (e.g., residential rather than out-patient care) is reviewed based on criteria for specific diagnoses or problems, indications for residential placement, types of services necessary for the treatment of particular diagnoses or problems, and the level of care at which such services are available;

(ii) assignment of certification and recertification periods are based on length-of-stay norms for the client's primary diagnosis or problem and age group;

(iii) discharge planning is reviewed based on cri-

teria for measuring readiness for discharge from residential care and necessity for after-care;

(4) review, through uni- or interdisciplinary peer review, the effectiveness, appropriateness, and timeliness of client care (e.g., quality of care review) by:

(A) working with professionals of a single discipline or with an interdisciplinary group to:

(i) develop review topics which focus upon known or suspected problem areas impacting the quality of care;

(ii) develop explicit objectives for the review;

(iii) develop criteria that reflect optimal levels of client care:

(I) such criteria may be structure-oriented (e.g., staff-to-client ratio), process-oriented (e.g., some minimum number of program hours per month), or outcome-oriented (e.g., some minimum number of client objectives achieved);

(II) the quality of care reviews based on such criteria may focus on a specific area of client care (e.g., therapeutic management of self-abusive clients) or may attempt to assess the full continuum of a client's training/treatment program;

(iv) select a sample of clients which is adequate to identify patterns of care related to the review subject and which is representative of the facility population rather than being limited to Title V, XVIII, or XIX clients;

(v) collect data, through record review and/or observation, relative to the criteria;

(vi) analyze reasons for variations from the criteria and either justify such variations or recommend corrective action (e.g., continuing staff education, obtaining additional resources, or effecting change in the organization or administration of service delivery);

(B) working with persons responsible for areas of performance variation to:

(i) develop plans of corrective action;

(ii) follow-up plans of corrective action;

(C) performing follow-ups of quality of care reviews in areas of performance variation, within one year, to evaluate the effectiveness of the corrective actions;

(D) providing the superintendent or director with summary reports of the activities described above;

(E) providing the Central Office Quality and Standards Section copies of the criteria used in all quality of care reviews for statewide distribution;

(5) evaluate programs by:

(A) developing or adopting criteria and standards for critical elements of care based on professional literature and judgment;

(B) analyzing quality-of-care review data or other studies to determine the degree to which criteria were met;

(C) utilizing the above statistical descriptions to develop profiles of outcome or performance by practitioner, facility, diagnostic category, problem area, etc.;

(D) developing norms of practitioner performance or client outcome;

(E) comparing similar performance or outcome data from quality-of-care review studies over time to assess the impact of the quality assurance system;

(F) comparing training/treatment programs and program support activities (e.g., staff training, safety, and sanitation) to similar programs, norms, facility program objectives, or client objectives to determine their relative appropriateness, efficiency, or effectiveness;

(G) conducting evaluative research to test theories or hypotheses regarding the variables influencing the effectiveness of specific training/treatment modalities.

.006. Structure of Quality and Standards Sections.

(a) Facility quality and standards sections are structured as follows:

(1) The director of a facility quality and standards section is responsible directly to the superintendent or director.

(2) Roles assigned to facility quality and standards staff include:

(A) direct performance of quality assurance activities;

(B) coordinating/facilitating ad hoc task groups (e.g., peer review teams assigned to review the quality of client care);

(C) liaison with each major committee of the facility (e.g., committees dealing with infection control and clinical privileges), including maintaining a file of committee minutes and reports and notifying the superintendent/director if committee activity is not in compliance with applicable standards and regulations.

(3) Activities necessary to accomplish the goals of a quality assurance system may be assigned to a variety of personnel throughout the facility at the discretion of the superintendent or director.

(4) The director of a facility quality and standards section, through his or her superintendent or director, serves as a liaison between the facility and the Central Office Quality and Standards Section.

(b) The Central Office Quality and Standards Section is structured as follows:

(1) The Quality and Standards Section of the Central Office Administrative Division serves in a consultative capacity to the deputy commissioners for mental retardation, mental health services, and community services.

(2) The Central Office Quality and Standards Section provides consultation and technical assistance to the facilities on local and statewide quality assurance activities on request from the facilities or the deputy commissioners.

(3) The Central Office Quality and Standards Section coordinates statewide quality assurance projects as requested by the deputy commissioners.

(4) The Central Office Quality and Standards Section coordinates and provides staff assistance to statewide quality assurance task forces as requested by the deputy commissioners.

(5) The Central Office Quality and Standards Section maintains copies of deficiency and progress reports resulting from standards compliance surveys, copies of all criteria used in quality-of-care reviews, and copies of special studies conducted by the facilities.

(6) The Central Office Quality and Standards Section serves as a liaison with national and state organizations active in professional standards review organization and other quality assurance activities.

Issued in Austin, Texas, on August 24, 1979.

Doc. No. 795541

John J. Kavanagh, M.D.

Commissioner

Texas Department of Mental Health and
Mental Retardation

Effective Date: September 14, 1979

Proposal Publication Date: July 20, 1979

For further information, please call (512) 454-3761, ext. 241.

Texas State Board of Examiners of Psychologists

Applications 400.02.00.010

The Texas State Board of Examiners of Psychologists has amended Rule 400.02.00.010, which deals with the requirements for psychological associate certification (master's level). It was decided that a statement was needed to clarify the board's intent and continued use of this rule in determining the qualifications of those who make application.

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

.010. Subdoctoral Certification. For a degree conferred before September 1, 1980, the board requires a master's degree which is primarily psychological in nature of at least 30 semester credit hours for subdoctoral certification, at least 24 graduate-level semester credit hours of which (exclusive of practicum) must have been in psychology. Six semester credit hours of thesis credit may be counted toward these 24 credit hours, if the thesis is in psychology. No hours obtained after the degree was conferred may be counted. Three hundred clock hours of practicum or experience in psychology, supervised by a licensed psychologist, must be completed before the written examination may be taken.

For a degree conferred after August 31, 1980, the board requires a master's degree which is primarily psychological in nature of at least 42 semester credit hours for subdoctoral certification, at least 27 graduate-level semester credit hours of which (exclusive of practicum) must have been in psychology. Six semester credit hours of thesis credit in a department of psychology may be counted toward these 27 semester credit hours. No hours obtained after the master's degree was conferred may be counted. Four hundred and fifty clock hours of practicum or experience in psychology, supervised by a licensed psychologist, or in the case of exempt agencies, by a supervisor who is eligible for licensure, must be completed before the written examination may be taken.

Doc No 795549

400.02.00.018

The Texas State Board of Examiners of Psychologists has adopted the amendment Rule 400.02.00.018, which describes the degree requirements for certification of psychologists. It was decided that several portions of the rule are either redundant or no longer applicable and are therefore being deleted and/or modified.

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

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

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

content areas: abnormal psychology, cognitive processes, comparative psychology, developmental psychology, history of psychology, learning, motivation, psychology of personality, physiological psychology, professional ethics in psychology, psychopharmacology, research design, sensation and perception, social psychology, statistics, theory and systems in psychology.

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

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

Any student intending to apply for certification under the substantial equivalence clause after July 1, 1979, must file with the Texas State Board of Examiners of Psychologists an affidavit during his or her first semester of graduate study which sets out the intended program of studies.

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

Doc. No. 795550

Practice 400.03.00.006

The Texas State Board of Examiners of Psychologists has adopted the amendment to rule of practice, Rule 400.03.00.006, which addresses the incorporation of psychologists to practice psychology. It was determined that the amendment was needed to more clearly state the appropriate way to incorporate if that was the desire of the psychologist.

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

.006. Incorporation of Practice. A psychologist may incorporate. If he or she incorporates, this must be accomplished under the Professional Corporation Act but only in the name of the licensed psychologist(s). In group practice, all members of the professional corporation must be licensed by the board.

Doc No. 795551

400.03.00.017

The Texas State Board of Examiners of Psychologists has adopted new rule of practice 400.03.00.017 which addresses the use of specialty designations by psychologists.

This new rule is adopted under the authority of Article 4512c, Texas Civil Statutes.

.017. Use of Specialty Designations. A psychologist may not use a specialty designation to describe his or her practice without adequate demonstrated training and experience in that specialty area.

Doc. No. 795552

400.03.00.018

The Texas State Board of Examiners of Psychologists has adopted new rule of practice Rule 400.03.00.018 which deals with the use of false, deceptive, or misleading statements regarding any psychological service. It was decided that a statement was needed to make explicit the guidelines of the board and the profession.

This new rule is adopted under the authority of Article 4512c, Texas Civil Statutes.

.018. Use of Statements Regarding Services. A psychologist may not make any false, deceptive, or misleading statements regarding any psychological services.

Doc. No. 795553

Specialty Certification 400.05.01

The Texas State Board of Examiners of Psychologists has adopted the amendment to specialty certification Rule 400.05.01.002, which deals with the criteria for health service providers in psychology. It was decided to delete the phrase "educational psychology" because it is redundant and adds no meaning to the intent of the board's use of this rule.

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

.002. Criteria for Health Service Provider in Psychology. Effective January 1, 1978, the following are the board's requirements for a licensed psychologist to be eligible for specialty certification as a health service provider in psychology.

(1) (No change.)

(2) The psychologist must hold a doctorate degree from a department of psychology in a regionally accredited educational institution.

(3)-(7) (No change.)

Issued in Austin, Texas, on July 15, 1979.

Doc. No. 795554 Patti Bizzell
Executive Secretary
Texas State Board of Examiners of
Psychologists

Effective Date: September 18, 1979

Proposal Publication Date July 24, 1979

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

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

Texas Air Control Board

Friday, September 7, 1979, 8:30 a.m. The Regulation Committee of the Texas Air Control Board will meet at 8520 Shoal Creek Boulevard, Austin. According to agenda summary, the committee will consider Stage I Gasoline Vapor Recovery rules (TACB Rules 131.07.53.101-103 and Rules 131.07.54.101-105) and formulate a recommendation to the board regarding the proposed revisions.

Additional information may be obtained from John B. Turney, 8520 Shoal Creek Boulevard, Austin, Texas 78758, telephone (512) 451-5711, extension 350.

Filed August 28, 1979, 9:44 a.m.
Doc. No. 795538

Friday, September 7, 1979, 9:30 a.m. The Texas Air Control Board will meet in the auditorium at 8520 Shoal Creek Boulevard, Austin. According to the agenda summary, the meeting will include the following reports by executive director, report on sulfur dioxide abatement projects at Exxon Corporation and Stauffer Chemical Company, Harris County; consideration of proposed regulations—deletion of certain counties from the requirements of Stage I Gasoline Vapor Recovery rules; consideration of Resolution R79-3—procedure for requests to the attorney general for legal action; status of state implementation plan approval; hearing examiner's report.

Additional information may be obtained from John B. Turney, 8520 Shoal Creek Boulevard, Austin, Texas 78758, telephone (512) 451-5711, extension 350.

Filed August 28, 1979, 9:45 a.m.
Doc. No. 795539

Friday, September 7, 1979, 9:30 a.m. The Texas Air Control Board will meet in its auditorium at 8520 Shoal Creek Boulevard, Austin. According to the agenda, the board is adding items to the agenda from August 28, 1979, concerning reports by the executive director.

Additional information may be obtained from John B.

Turney, 8520 Shoal Creek Boulevard, Austin, Texas 78758, telephone (512) 451-5711, ext. 350.

Filed: August 30, 1979, 11:43 a.m.
Doc. No. 795654

Friday, September 7, 1979, 1:30 p.m. The Ad Hoc Committee of the Texas Air Control Board will meet at 8520 Shoal Creek Boulevard, Austin. According to the agenda summary, the committee will discuss and consider the pilot motor vehicle emissions inspection program and feasibility study required by recent legislative amendments to the Texas Clean Air Act.

Additional information may be obtained from John B. Turney, 8520 Shoal Creek Boulevard, Austin, Texas 78758, telephone (512) 451-5711, extension 350.

Filed: August 28, 1979, 9:48 a.m.
Doc. No. 795540

State Aircraft Pooling Board

Tuesday, September 4, 1979, 1:30 p.m. The State Aircraft Pooling Board will meet in Room G-B, John H. Reagan Building, Austin, for an organizational meeting.

Filed: August 24, 1979, 1:03 p.m.
Doc. No. 795514

State Banking Board

Monday, September 10, 1979, 9 a.m. The Hearing Officer of the State Banking Board will conduct a hearing at 2601 N. Lamar, Austin, on the charter application for First City Bank—Addison, to be located in Addison.

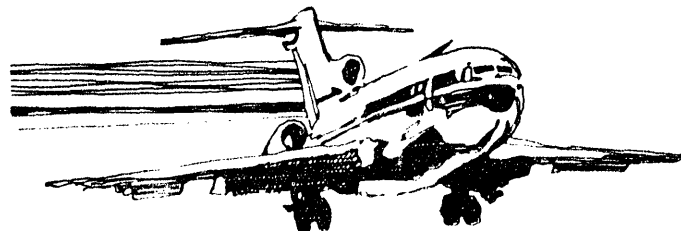
Additional information may be obtained from O. A. Cassity III, 2601 N. Lamar, Austin, Texas 78705, telephone (512) 475-4451.

Filed August 29, 1979, 10:51 a.m.
Doc. No. 795586

Wednesday, September 12, 1979, 9 a.m. The Hearing Officer of the State Banking Board will conduct a hearing at 2601 N. Lamar, Austin, on the charter application for North Texas Bank and Trust, to be located in Gainesville.

Additional information may be obtained from O. A. Cassity III, 2601 N. Lamar, Austin, Texas 78705, telephone (512) 475-4451.

Filed: August 29, 1979, 10:51 a.m.
Doc. No. 795587



State Board of Barber Examiners

Monday, September 10, 1979, 8 a.m. The Board of the State Board of Barber Examiners will meet in Room H-11, 5555 North Lamar, Austin. The meeting includes the following: minutes of previous meeting; amend minutes regarding staggering of license renewals; interview of out-of-state applicants; letters for action by members; report on L. D'Lynn Barber College complaint; complaint on HairBerdasher Barber College, Waco; discussion on duties of inspectors and regularity of inspections; executive meeting.

Additional information may be obtained from Mary Jo McCrorey, 5555 North Lamar, H-11, Austin, Texas 78751, telephone (512) 458-2241.

Filed: August 24, 1979, 2:06 p.m.
Doc. No. 795523

Coordinating Board, Texas College and University System

Thursday, September 27, 1979, 10 a.m. The Administrative Council of the Coordinating Board, Texas College and University System, will meet in Room 206, Memorial Student Center, Texas A&M University, College Station. The council will adopt Rule 251.20.02.005—administrative costs; receive advisory committee recommendation on ORP eligibility standards; discuss amending Rule 251.20.02.003—coverage standards; discuss ERS change of definition of "basic plan;" discuss participation by dependents of retirees; and discuss procedures for review of institutional group insurance plans.

Additional information may be obtained from James McWhorter, P.O. Box 12788, Austin, Texas 78711, telephone (512) 475-2033.

Filed: August 29, 1979, 2:49 p.m.
Doc. No. 795622

Texas Court Reporters Committee

Saturday, September 8, 1979, 8:30 a.m. The Texas Court Reporters Committee will meet at the Marriott Hotel, 6121 I.H. 35 North, Austin, to consider future examination dates; report of staff activities; hearing and determination of one grievance complaint; status report on applications received; one petition for reconsideration of application filed.

Additional information may be obtained from C. Raymond Judice, 1414 Colorado, Austin, Texas, telephone (512) 465-3404.

Filed: August 28, 1979, 9:42 a.m.
Doc. No. 795534

State Board of Education

Friday, September 7, 1979, 8:30 a.m. The Committee for Programs and Personnel Development of the State Board of Education will meet in the Board Room, 150 E. Riverside Drive, Austin. According to the agenda, the committee will consider the following: special education in general; child-

centered educational process; the special education program; special program provisions; program support system; student services in general; guidance services; school health services; home/school coordination services; school psychological services; teacher certification; Texas School for the Blind and Texas School for the Deaf; commission on standards for the teaching profession; administration and operation of regional education service centers; recommendations for appointment to Texas Advisory Council on Aerospace-Aviation Education; recommendations for appointment to the Texas Advisory Committee on Energy and Environmental Education; appointment to Commission on Standards for the Teaching Profession; notice of increase in price for producing large type textbooks; and implementation of HCR 90—statewide curriculum study.

Additional information may be obtained from M. L. Brockette, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-3271.

Filed: August 2, 1979, 3:14 p.m.
Doc. No. 795635

Friday, September 7, 1979, 8:30 a.m. The Committee for Policy, Budget, and Finance of the State Board of Education will meet in the second floor conference room, 158 East Riverside Drive, Austin. According to the agenda, the committee will consider the following: compulsory pupil attendance; school district responsibilities and powers for operation; compensatory education; purpose of the foundation school program; allocation of personnel units; the school year; operating cost allotment; state available school fund; county available school funds; local fund assignment; foundation entitlement to districts; equalization aid for program enrichment; requirements for program participation; employment assurances; state minimum sick leave; principles, standards, and procedures for the accreditation of school districts; request for approval of continuation of grant application for nutrition education and training program; request for approval of a continuation application to develop a statewide delivery system for inservice training of general education personnel in the education of the handicapped, fiscal year 1980; state plan for preparation of personnel in the education of the handicapped, Public Law 91-230, Education of the Handicapped, Part D, as amended by Public Law 93-380; and contract for test development for the Texas assessment of basic skills.

Additional information may be obtained from M. L. Brockette, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-3271.

Filed: August 29, 1979, 3:13 p.m.
Doc. No. 795636

Friday, September 7, 1979, 11 a.m. The Committee of the Whole of the State Board of Education will meet in the Board Room, 150 E. Riverside Drive, Austin, to discuss Public Law 94-142 and 504 regarding special education.

Additional information may be obtained from M. L. Brockette, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-3271.

Filed: August 29, 1979, 3:13 p.m.
Doc. No. 795637

Friday, September 7, 1979, noon. The Committee of the Whole of the State Board of Education will meet in the Board Room, 150 E. Riverside Drive, Austin, in closed executive session to discuss personnel matters.

Additional information may be obtained from M. L. Brockett, 201 E. 11th Street, Austin, Texas 78701, telephone (512) 475-3271.

Filed August 29, 1979, 3:13 p.m.
Doc No 795638

Friday, September 7, 1979, 1 p.m. The Committee for Investment of the Permanent School Fund of the State Board of Education will meet in rescheduled session in the second floor conference room, 150 E. Riverside Drive, Austin, to consider investment counsel contract for 1979-80 and investment of available funds. The meeting was initially scheduled for 2 p.m., September 7, 1979.

Additional information may be obtained from M. L. Brockett, 201 E. 11th Street, Austin, Texas 78701, telephone (512) 475-3271.

Filed August 30, 1979, 10:34 a.m.
Doc No. 795658

Friday, September 7, 1979, 2 p.m. The Committee for Investment of the Permanent School Fund of the State Board of Education will meet in the second floor conference room, 158 E. Riverside Drive, Austin, to consider investment counsel contract for 1979-80 and investment of available funds.

Additional information may be obtained from M. L. Brockett, 201 E. 11th Street, Austin, Texas 78701, telephone (512) 475-3271.

Filed August 29, 1979, 3:12 p.m.
Doc No 795639

Friday, September 7, 1979, 2 p.m. The Committee for Priorities, Accountability, and Accreditation of the State Board of Education will meet in the Board Room, 150 E. Riverside Drive, Austin. The committee will consider the following: principles, standards, and procedures for the accreditation of school districts; pupil attendance allowed; community education; process for state adoption of textbooks; state textbook committee, textbooks for blind and visually handicapped pupils and personnel; administration and operation of regional education service centers; state allocations to regional education service centers; salary schedule; paraprofessional certification; goals for public school education; commitment to providing pupil transportation services; pupil eligibility for transportation services; types of transportation; transportation special provisions; transportation.

Additional information may be obtained from M. L. Brockett, 201 E. 11th Street, Austin, Texas 78701, telephone (512) 475-3271.

Filed August 29, 1979, 3:12 p.m.
Doc. No. 795640

Saturday, September 8, 1979, 8:30 a.m. The State Board of Education will meet in the Board Room, 150 E. Riverside Drive, Austin. The board will consider the following: appeal on decisions of the commissioner of education; agency ad-

ministration; Good Neighbor scholarships; special education in general; child-centered educational process; the special education program; special program provisions; program support system; student services in general; guidance services; school health services; home/school coordination services; school psychological services; teacher certification; Texas School for the Blind and Texas School for the Deaf; Commission on Standards for the Teaching Profession; administration and operation of regional education service centers; recommendations for appointment to Texas Advisory Council on Aerospace-Aviation Education; recommendations for appointment to Texas Advisory Committee on Energy and Environmental Education; appointment to Commission on Standards for the Teaching Profession; notice of increase in price for producing large type textbooks; implementation of HCR 90-statewide curriculum study; compulsory pupil attendance; school district responsibilities and powers for operation; compensatory education; purpose of the foundation school program; allocation of personnel units; the school year; operating cost allotment; state available school fund; county available school funds; local fund assignment; foundation entitlement to districts; equalization aid for program enrichment; requirements for program participation; employment assurances; state minimum sick leave; principles, standards, and procedures for the accreditation of school districts; request for approval of continuation grant application for nutrition education and training program; request for approval of a continuation application to develop a statewide delivery system for inservice training of general education personnel in the education of the handicapped, fiscal year 1980; state plan for preparation of personnel in education of the handicapped, Public Law 91-230, Education of the Handicapped, Part D, as amended by Public Law 93-380; contract for test development for the Texas assessment of basic skills; pupil attendance allowed; community education; process for state adoption of textbooks; State Textbook Committee; textbooks for blind and visually handicapped pupils and personnel; state allocations to regional education service centers; salary schedule; paraprofessional certification; goals for public school education; commitment to providing pupil transportation services; pupil eligibility for transportation services; types of transportation; transportation special provisions; transportation; investment counsel contract for 1970-1980; investment of available funds.

Additional information may be obtained from M. L. Brockett, 201 E. 11th Street, Austin, Texas 78701, telephone (512) 475-3271.

Filed August 29, 1979, 3:16 p.m.
Doc No. 795641

Texas Education Agency

Tuesday, September 11, 1979, 10 a.m. The Proprietary School Advisory Commission of the Texas Education Agency will meet in Room 103, Durham Nixon-Clay College, Eighth and Colorado, Austin. The meeting includes the following: approval of minutes of the May 8, 1979 meeting and July 31, 1979 meeting; analysis of Federal Trade Commission rule to ascertain impact on students in Texas schools currently regulated under Texas Proprietary School Act; proposed further amendments to Minimum Standard XI, financial stability.

Additional information may be obtained from Janice Boyd, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-2246.

Filed: August 28, 1979, 1:27 p.m.
Doc. No. 795535

Finance Commission of Texas

Thursday, September 6, 1979, 10 a.m. The Banking Section of the Finance Commission of Texas will meet at the Department of Banking, 2601 N. Lamar, Austin, to consider the EDP examination program for the Department of Banking.

Additional information may be obtained from Archie Clayton, 2601 N. Lamar, Austin, Texas 78705, telephone (512) 475-4451.

Filed: August 28, 1979, 1:50 p.m.
Doc. No. 795546

General Land Office

Friday, September 14, 1979, 10 a.m.-12:30 p.m. The Port Study Advisory Committee of the General Land Office will meet in Room 301, Capitol Building, Austin, for discussion of six ecological system diagrams and pilot study; review of recent meetings with port officials; and discussion of work undertaken since last committee meeting as well as work remaining to complete the study.

Additional information may be obtained from Mike Hightower, 1700 N. Congress Avenue, Austin, Texas 78701, telephone (512) 475-1166.

Filed: August 29, 1979, 11:55 a.m.
Doc. No. 795588

Office of the Governor

Monday, September 10, 1979, 9:30 a.m. The Governor's Advisory Committee on Education will meet in Room 117, Sam Houston Building, 14th and San Jacinto, Austin. According to the agenda, the committee will consider the following: approval of minutes August 10, 1979, meeting; oral reports of ad hoc committee chairpersons; public hearing scheduled for September 26, 1979; priority topics for committee investigation; ad hoc committee meetings public input. Between 3 p.m. and 3:30 p.m. the committee will hear any citizen who wishes to speak concerning topics on the agenda or any other aspect of public elementary and secondary education. Persons wishing to address the committee should contact the executive secretary prior to the meeting.

Additional information may be obtained from Thomas E. Anderson, 112 Sam Houston Building, Austin, Texas 78711, telephone (512) 475-0386.

Filed: August 30, 1979, 9:55 a.m.
Doc. No. 795657

Texas Health Facilities Commission

Thursday, August 30, 1979, 10 a.m. The Texas Health Facilities Commission made an emergency addition to a

meeting held in Suite 305, 1600 West 38th Street, Austin. The addition concerns an application for an exemption certificate by the San Antonio State Hospital and San Antonio State School, San Antonio.

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

Filed: August 29, 1979, 4:02 p.m.
Doc. No. 795634

Thursday, September 13, 1979, 10 a.m. The Texas Health Facilities Commission will meet in Suite 305 of the Jefferson Building, 1600 West 38th Street, Austin, to consider the following applications:

certificate of need

Goliad County Hospital, Goliad,
AH79-0319-023

Westview Manor, Inc., Seymour,
AN78-0721-026

Baylor Lodge, Seymour,
AN78-0505-005

St. Luke's Episcopal/Texas Children's Hospitals, Houston,
AH79-0126-001

University of Texas Health Center at Tyler, Tyler,
AH79-0607-015

Humana of Texas, Inc., for Medical City Dallas Hospital,
Dallas, AH78-1129-005

declaratory ruling

Prudential Health Care Plan, Inc., Bellaire,
AO79-0226-011

MEC Physician's Association for Medical Emergency
Clinic, Houston, AO79-0803-009

motions to amend certificate of need

Denton Hospitality House, Denton,
AN79-0315-025

Medical City Dallas Hospital, Dallas,
AH78-1129-001

Medical City Dallas Hospital, Dallas,
AH78-1129-010

Angelina Nursing Home, Inc., for Pinelan Nursing Home,
Lufkin, AN78-0926-001

Doctors Hospital, Corpus Christi,
AH76-0312-009

motion for reconsideration and rehearing

Oak Cliff Medical and Surgical Hospital, Inc., Dallas,
AH75-0929-078T(020279)

exemption certificate

Communication Disorders Clinic, Wichita Falls,
AO79-0711-021

Gulfway General Hospital, Houston,
AH79-0810-027

Skyview Living Center of Stamford, Stamford,
AS79-0801-015

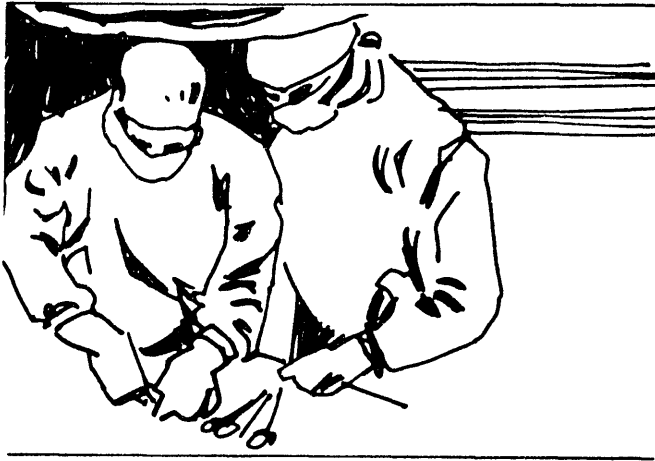
Skyview Living Center of San Antonio,
AS79-0801-011

Barrio Comprehensive Family Health Care, San Antonio,
AS79-0803-031.

THFC will also conduct a routine business meeting immediately following the open meeting.

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

Filed: August 30, 1979, 11:36 a.m.
Doc. No. 795656



Texas Historical Commission

Thursday, September 20, 1979, 9 a.m. The Texas Antiquities Committee of the Texas Historical Commission will meet in informal session in Room 118, Stephen F. Austin Building, 17th and Congress, Austin. The meeting concerns the development of rules covering underwater cultural resources—introduction and statement of purpose; presentation of comments and views; how substantive requirements might be written to accomplish state's objectives; and suggestions for procedural reforms.

Additional information may be obtained from Jane Levy, 105 West 16th Street, Austin, Texas 78711, telephone (512) 475-6328.

Filed: August 28, 1979, 9:41 a.m.
Doc No. 795533

State Board of Insurance

Tuesday, August 28, 1979, 1 p.m. The Commissioner's Hearing Section of the State Board of Insurance made an emergency addition to a meeting held in Room 342, 1110 San Jacinto Street, Austin. The addition concerned the name protest by General Insurance Company of Trieste and Venice, Rome, Italy, and General Insurance Company of America, Seattle, Washington, involving Old General Insurance Company, Kansas City, Missouri.

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

Filed: August 28, 1979, 9:53 a.m.
Doc. No. 795528

Thursday, September 6, 1979, 10 a.m. The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin, to consider a tax preparers blanket bond filed by Lawyers Surety Corp.

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

Filed: August 29, 1979, 2:48 p.m.
Doc. No. 795623

Thursday, September 6, 1979, 10 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto, Austin. According to the agenda, the division will consider the application for approval of five mortgage loans with first liens on real estate in excess of the statutory limit in reference to White's Service Insurance Company, Weatherford.

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

Filed: August 29, 1979, 2:58 p.m.
Doc No. 795627

Thursday, September 6, 1979, 2 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the division will consider an application for admission to Texas from Mission National Insurance Company, Los Angeles, California.

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

Filed August 29, 1979, 2 58 p m.
Doc No 795628

Friday, September 7, 1979, 10 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin, to consider an application for approval of mortgage loans with first liens on real estate in excess of the statutory limit, with respect to United Funeral Directors Benefit Association, Wichita Falls.

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

Filed. August 29, 1979, 2.58 p.m.
Doc No 795629

Monday, September 10, 1979, 2 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the division will consider the failure of Bishop Hotel, Bishop, to comply with Article 5.44 of the Texas Insurance Code.

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

Filed: August 29, 1979, 2:58 p.m.
Doc. No. 795630

Tuesday, September 11, 1979, 10 a.m. The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin, to consider excess of loss filing amendment by the Aetna Casualty and Surety Company.

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

Filed: August 29, 1979, 2:48 p.m.
Doc No. 795624

Tuesday, September 11, 1979, 10 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin, to consider stock purchase in reference to United American Insurance Company, Dallas.

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

Filed: August 29, 1979, 2:57 p.m.
Doc No. 795631

Wednesday, September 12, 1979, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto, Austin, to consider whether the application of Herbert Wayne Ellis, Fort Worth, for Agent's Group II license should be denied.

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

Filed: August 29, 1979, 2:57 p.m.
Doc No. 795632

Wednesday, September 12, 1979, 9 a.m. The State Board of Insurance will meet in Room 142, 1110 San Jacinto, Austin, to consider workers compensation hearing amendment of rates applicable to exposure under the Longshoremen's and Harbor Workers' Compensation Act of stevedoring classifications 7309F, 7313F, 7317F, 7323F, and 7327F.

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

Filed: August 2, 1979, 2:57 p.m.
Doc No. 795633

Lamar University

Wednesday, September 12, 1979, 3 p.m. The Board of Regents Finance Committee of Lamar University will meet in the Board Room, Plummer Administration Building, Main Campus, Beaumont, to review bids for sale of revenue bonds.

Additional information may be obtained from Andrew J. Johnson, P.O. Box 10014, Beaumont, Texas 77710, telephone (713) 838-7533.

Filed: August 30, 1979, 9:50 a.m.
Doc No. 795651

Thursday, September 13, 1979, 9 a.m. The Board of Regents of Lamar University will meet in the Board Room, Plummer Administration Building, Main Campus, Beaumont. According to the agenda summary, the meeting includes the following: minutes of previous meeting, small class report; consideration of approval of tenure policy, journal entries; budget and personnel changes, financial report, consideration of authorization of land condemnation. The board will also meet in executive session.

Additional information may be obtained from Andrew J. Johnson, P.O. Box 10014, Beaumont, Texas 77710, telephone (713) 838-7533.

Filed: August 30, 1979, 9:49 a.m.
Doc No. 795652

Library Systems Act Advisory Board

Monday, September 10, 1979, 10 a.m. The Library Systems Act Advisory Board will meet in Room 202 of the Lorenzo de Zavala State Archives Building, Austin. According to the agenda, the board will consider the following: discussion of definition of "library service" for purposes of system membership accreditation, discussion of possible annual report changes; discussion of possible amendments to the rules and regulations, information regarding Rule 36--language change to "last decennial census or most recent official population estimate" in conformance to House Bill 480, and comments on proposed goals and objectives for library development.

Additional information may be obtained from Raymond Hitt, P.O. Box 12927, Austin, Texas 78711, telephone (512) 475-4119.

Filed: August 29, 1979, 8:50 a.m.
Doc No. 795570

Merit System Council

Friday, September 7, 1979, 8:30 a.m. and 1 p.m. The Merit System Council will meet in Room 507, Brown Building, Austin, for appeals hearings.

Additional information may be obtained from Leo F. Brockmann, P.O. Box 1389, Austin, Texas 78767, telephone (512) 477-9665.

Filed: August 28, 1979, 9:40 a.m.
Doc No. 795531

Texas Municipal Retirement System

Saturday, September 15, 1979, 9 a.m. The Board of Trustees of the Texas Municipal Retirement System will meet at the Four Seasons Plaza Nacional, Diaz House, 555 S. Alamo, San Antonio. According to the agenda summary, the meeting includes the following: hear and approve minutes of June board meeting; approve service retirements, disability retirements and supplemental death benefits payments; review and act on financial statements, investment reports and other reports by the director, assistant director, legal counsel, and actuary.

Additional information may be obtained from Jimmie L. Mormon, 1200 N. Interstate 35, Austin, Texas 78768, telephone (512) 476-7577.

Filed: August 29, 1979, 4:40 p.m.
Doc No 795644

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

Filed: August 20, 1979, 11:19 a.m.
Doc. No. 795655

Board of Pardons and Paroles

Monday-Friday, September 10-14, 1979, 9 a.m. daily. The Board of Pardons and Paroles will meet at 711 Stephen F. Austin Building, Austin. The board will review cases of inmates for parole consideration; act on emergency reprieve requests and other acts of executive clemency; review reports regarding persons on parole; review procedures affecting the day to day operation of support staff; review and initiate needed rule changes relating to general operation, executive clemency, parole and all hearings conducted by this agency; and to take action upon gubernatorial directives.

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

Filed August 28, 1979, 2:24 pm
Doc. No. 795548

Friday, September 28, 1979, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 400N, 7800 Shoal Creek, Austin. The division will conduct a hearing in Dockets 2569 and 2703, application of McKee Water Service Company for a certificate of convenience and necessity within Tarrant and Hood counties and application of Keller Rural Water Supply Corporation for sale within Tarrant County.

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

Filed: August 30, 1979, 9:51 a.m.
Doc. No 795648

Monday, October 29, 1979, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 400N, 7800 Shoal Creek Boulevard, Austin, to hear Docket No. 2734: application of Central Power and Light Company and San Patricio Electric Cooperative, Inc., for approval of acquisition and sale of utility assets.

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

Filed: August 30, 1979, 10:32 a.m.
Doc. No. 795649

Monday, November 12, 1979, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 400N, 7800 Shoal Creek Boulevard, Austin, to consider Docket No. 2753: application of Jackson Electric Cooperative, Inc., for authority to change rates in Brazoria, Calhoun, Jackson, Lavaca, and Matagorda Counties.

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

Filed: August 30, 1979, 10:32 a.m.
Doc. No. 795650

Texas State Board of Public Accountancy

Friday and Saturday, August 31, 1979, and September 1, 1979, 9 a.m. each day. The Texas State Board of Public Accountancy has made an emergency addition to meetings held at 940 American Bank Tower, 221 West 6th Street, Austin. According to the agenda summary, the board considered the following items: August 31, 1979—approval of minutes; approval or ratification of CPA certificates; review of suspected irregularities of May 1979 exam, CPA exam candidates; requests for reinstatement of CPA certificates; enforcement matters. September 1, 1979—review and adoption of rules of professional conduct in accordance with "emergency procedure" provisions of APTRA; repeal of current rules of professional conduct; consideration and adoption of substantive rules in accordance with "emergency procedure" provisions of APTRA; repeal of current related substantive rules.

Additional information may be obtained from Bob E. Bradley, 940 American Bank Tower, 221 West 6th Street, Austin, Texas 78701, telephone (512) 476-6971.

Filed: August 30, 1979, 11:46 a.m.
Doc. No 795653

Public Utility Commission of Texas

Friday, September 7, 1979, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing in Suite 400N, 7800 Shoal Creek, Austin, in Docket 2779, application of Limestone County Electric Cooperative, Inc., for a rate increase within Falls, Freestone, Hill, Limestone, McLennan, and Robertson Counties.

Railroad Commission of Texas

Tuesday, September 4, 1979, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 South IH 35, Austin. According to the agenda, the division will make emergency additions concerning the following items: Oil and Gas Docket No. 3-71,976, application by Jordan Drilling Co. for interim order to reduce most efficient rate of production for Livingston (Wilcox) Field, Polk County, and applications of Enserch Exploration, Inc., Jerry McCutchin, and Robert L. McKee for ex-

ceptions to Statewide Rule 37. These items were properly noticed for the meeting on August 28, 1979, passed at that meeting, and are now being considered on less than seven days notice as a matter of urgent public necessity.

Additional information may be obtained from John G. Soule, P.O. Box 12967, Austin, Texas 78711, telephone (512) 445-1281.

Filed: August 30, 1979, 11:29 a.m.
Doc. No. 795659

Monday, September 10, 1979, 9 a.m. The Finance and Procurement Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 South IH 35, Austin, to consider the director's report.

Additional information may be obtained from Rex King, 1124 South IH 35, Austin, Texas, telephone (512) 445-1211.

Filed: August 30, 1979, 11:31 a.m.
Doc. No. 795661

Monday, September 10, 1979, 9 a.m. The Liquefied-Petroleum Gas Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 South IH 35, Austin, to consider the director's report.

Additional information may be obtained from Guy G. Mathews, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1189.

Filed: August 30, 1979, 11:32 a.m.
Doc. No. 795664

Monday, September 10, 1979, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 South IH 35, Austin. According to the agenda summary, the division will consider tidal disposal permit; motion to dismiss application for MIPA; cancel order adopting rules; rescind temporary rules; Rule 37 cases; proper pluggings; exceptions to SWR 10; SWR 14(B)(2); amend rules and productive acreage; gas field rules; determination of effectiveness of temporary field rules; special oil allowable pending commission final determination; administrative: suspension of allocation formulas; new oil and gas discoveries; exceptions to SWR 38; SWR 14(B)(2); SWR 8(c); and the director's report.

Additional information may be obtained from Jan Burris, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1307.

Filed: August 30, 1979, 11:31 a.m.
Doc. No. 795662

Monday, September 10, 1979, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 South IH 35, Austin, to consider category determinations under sections 102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108 of the Natural Gas Policy Act of 1978.

Additional information may be obtained from Linda D. Carr, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1273.

Filed: August 30, 1979, 11:32 a.m.
Doc. No. 795663

Monday, September 10, 1979, 9 a.m. The Railroad Commission of Texas will meet in the first floor auditorium, 1124 South IH 35, Austin. According to the agenda, the commission will go into executive session to discuss personnel actions for all divisions and consult with its legal staff on prospective and pending litigation pursuant to Sections 2g and 2e of the Act, respectively.

Additional information may be obtained from James P. Grove IV, 1124 South IH 35, Austin, Texas 78704, telephone (512) 445-1186.

Filed: August 30, 1979, 11:33 a.m.
Doc. No. 795665

Monday, September 10, 1979, 9 a.m. The Transportation Division of the Railroad Commission of Texas will meet in Room 107, 1124 South IH 35, Austin. According to the agenda summary, the division will consider the following applications: new authority; rail rate; amend authority; bus rate; motor brokers license; consolidate authority; divide authority; lease cancellation; name change; sell authority; truck rate; voluntary suspension; agency discontinuance; motion to cancel certificates for failure to maintain insurance or bonds; and the director's report.

Additional information may be obtained from Owen T. Kinney, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1330.

Filed: August 30, 1979, 11:30 a.m.
Doc. No. 795660

Advisory Council for Technical-Vocational Education in Texas

Monday, September 10, 1979, 2 p.m.-5 p.m. The Planning and Evaluation Committee of the Advisory Council for Technical-Vocational Education in Texas will meet in Suite 202, 1700 North Lamar, Austin. The committee will be reviewing labor market information systems, student follow-up systems, and reviewing planning and evaluation activities relating to vocational education in the state.

Additional information may be obtained from Valeria J. Blashke, P. O. Box 1886, Austin, Texas 78767, telephone (512) 475-2046.

Filed: August 28, 1979, 9:38 a.m.
Doc. No. 795530

Thursday, September 20, 1979, 9 a.m.-4 p.m. The Advisory Council for Technical-Vocational Education in Texas will meet in the Cedar Room, Quality Inn South, 2200 S. I.H. 35, Austin. The council will hear presentations on business and vocational education; research and innovative program ac-

tivities in vocational education; and vocational education and basic education skills. The council will also consider its program of work and activities for 1979-1980 and discuss upcoming reports to the governor and the State Board of Education.

Additional information may be obtained from Valeria J. Jaschke, P.O. Box 1886, Austin, Texas 78767, telephone (512) 475-2046.

Filed: August 28, 1979, 9:37 a.m.
Doc No 795529

Board for Lease of University Lands

Tuesday, September 4, 1979, 2:30 p.m. The Board for Lease of University Lands will meet in the Eighth Floor Conference Room, 1700 Congress Avenue, Austin. According to agenda summary, the board will approve minutes; approve consideration of price redetermination on certain contracts; approve consideration of changes to rules and regulations; and consider policy regarding state leases subject to RRC Rule 69.

Additional information may be obtained from Maxine R. Dean, 210 West Sixth Street, Austin, Texas 78701, telephone (512) 471-5781.

Filed: August 24, 1979, 2:06 p.m.
Doc. No. 795524

Texas Water Commission

Tuesday, September 4, 1979, 10 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider the following: applications for bond issue; escrow releases; uses of surplus funds; examiner's proposal for decision on water quality permits and amendments; renewals of permits; voluntary cancellation of water quality permits; production area authorization; final decisions on water rights applications; extension of time on permits; amendments to certificates of adjudication; and water rights permits and the filing and setting of hearing dates.

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

Filed: August 24, 1979, 2:15 p.m.
Doc No 795516

Tuesday, September 4, 1979, 10 a.m. The Texas Water Commission made an emergency addition to a meeting to be held in the Stephen F. Austin Building, 1700 N. Congress, Austin. The addition concerns an application by Brazos River Authority to amend Permit 2950.

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

Filed: August 29, 1979, 3:01 p.m.
Doc. No. 795625

Friday, September 14, 1979, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct a hearing to determine whether temporary order no. 79-6E, issued on August 22, 1979, to Conservation Service, Inc., should be affirmed, modified, or set aside.

Additional information may be obtained from Larry R. Soward, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1311.

Filed: August 24, 1979, 2:15 p.m.
Doc. No 795517

Tuesday, September 18, 1979, 10 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 N. Congress, Austin. According to the agenda summary, the commission will consider the following: examiner's proposals for decision on application by the U. S. Department of Army for an initial water quality permit (Permit 12111-01); application by Michael F. Horne, for a permit (Permit 12115-01); and application by the U. S. Army Fort Hood (North Fort Hood Washracks and Sewage Treatment Plant) for a permit (Permit 12096-01).

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

Filed: August 29, 1979, 3:02 p.m.
Doc. No. 795626

Thursday, September 20, 1979, 10 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Austin, to consider a complaint of Treeline Village Associates against Ponderosa Forest Utility District for alleged ultra vires actions and unreasonable rules and regulations.

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

Filed: August 24, 1979, 2:11 p.m.
Doc. No. 795518

Thursday, October 4, 1979, 10 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider Application No. 1733B of Aluminum Company of America for an amendment to Permit No. 1608, as amended, to increase the authorized capacity of the reservoir known as Alcoa Lake, to increase the authorized consumptive industrial use and to specify the diversion points, Milam County.

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

Filed: August 24, 1979, 2:12 p.m.
Doc. No. 795519

Wednesday, October 10, 1979, 10 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider an application by Central Power and Light Company which seeks an amendment to certified filing no. 799 to change the purpose of use, change the place of use, and to change the point of diversion, Webb County.

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

Filed: August 24, 1979, 2 13 p.m.
Doc No 795521

Wednesday, October 10, 1979, 10 a.m. The Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider Application No. 506B of Central Power and Light Company who seeks an amendment to Permit No. 482 to change the purpose of use from irrigation to industrial, change the place of use, and also change the point of diversion, Webb County.

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

Filed: August 24, 1979, 2 13 p.m.
Doc No 95520

Regional Agencies

Meetings Filed August 24, 1979

The Amarillo MHMR Regional Center, Executive Committee of the Board of Trustees, met at the Borger Family Services Center, 100 N. McGee, Borger, on August 30, 1979, at 10:30 p.m. The Board of Trustees also met on the same date at the same place at 12:30 p.m. Further information may be obtained from Don Pipes, P.O. Box 3250, Amarillo, Texas 79106, telephone (806) 353-7235.

The Lubbock Regional MHMR Center met at 1210 Texas Avenue, Lubbock, on August 28, 1979, at 4:30 p.m. Further information may be obtained from Gene Menefee, 1210 Texas Avenue, Lubbock, Texas 79401, telephone (806) 763-4213.

Doc. No 795515

Meetings Filed August 28, 1979

The Austin-Travis County MHMR Center, Board of Trustees, met in a rescheduled emergency meeting in the Board Room, 1430 Collier Street, Austin, on August 28, 1979, at 7 p.m. Further information may be obtained from John Brubaker, 1430 Collier Street, Austin, Texas 78704, telephone (512) 447-4141.

The Brazos Valley Development Council, Board of Directors, will meet in Room B, Ramada Inn, 410 South Texas Avenue, College Station, on September 6, 1979, at 7:30 p.m. Further information may be obtained from Glenn J. Cook,

P.O. Drawer 4128, Bryan, Texas 77801, telephone (713) 822-7421.

The Central Texas Council of Governments, Area Agency on Aging Advisory Council, will meet at Central Texas Council of Governments, East Annex Building, 302 East Central, Belton, on September 12, 1979, at 1:30 p.m. Further information may be obtained from Jack C. Knox, 302 East Central, Belton, Texas 76513, telephone (817) 939-1801.

The Middle Rio Grande Development Council, Board of Directors, will meet at the Civic Center, Uvalde, on September 5, 1979, at 2:30 p.m. Further information may be obtained from Elia G. Santos, P.O. Box 1461, Del Rio, Texas 78840.

The Texas Municipal Power Agency, Audit and Budget Committee, will meet at Garland City Hall, 200 North Fifth Street, Garland, on September 6, 1979, at 8:30 a.m. Further information may be obtained from Joel T. Rogers, 600 Arlington Downs Tower, Arlington, Texas 76011, telephone (817) 461-4400.

The Panhandle Regional Planning Commission, Plan Development Committee of the Panhandle Health Systems Agency, will meet at the Texas Tech Regional Academic Health Center, 1400 Wallace Boulevard, Amarillo, on September 6, 1979, at 7 p.m. Further information may be obtained from E. L. Melin, 730 Amarillo Building, Amarillo, Texas 79101, telephone (806) 372-3381.

The Panhandle Regional Planning Commission, Review Committee of the Panhandle Health Systems Agency will meet at the Texas Tech University School of Medicine, 1400 Wallace Boulevard, Amarillo, on September 6, 1979, at 5 p.m. Further information may be obtained from E. L. Melin, 730 Amarillo Building, Amarillo, Texas 79101, telephone (806) 372-3381.

Doc No 795647

Meetings Filed August 29, 1979

The Bexar-Medina-Atascosa Counties, Water Improvement District 1, Board of Directors, will meet at the district office, Natalia, on September 4, 1979, at 8 a.m. Further information may be obtained from Clifford Mueller, P. O. Box 180, Natalia, Texas, telephone (512) 663-2132.

The High Plains Underground Water Conservation District, No. 1, Board of Directors, will meet at 2930 Avenue Q, Lubbock, on September 11, 1979, at 10 a.m. Further information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, telephone (806) 762-0181.

The Nueces River Authority, Board of Directors, will meet in emergency session at Three Rivers City Hall, Three Rivers, on September 5, 1979, at 11 a.m. Further information may be obtained from Con Mims, P.O. Box 349, Uvalde, Texas 78801, telephone (512) 278-6810.

Doc No 795589

Department of Banking

Applications to Purchase Control of State Banks

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

On August 23, 1979, the banking commissioner received an application to acquire control of North State Bank of Amarillo by Robert O. Lister, Jr., of Amarillo. Additional information may be obtained from Robert E. Stewart, 2601 North Lamar, Austin, Texas 78705, telephone (512) 475-4451.

Issued in Austin, Texas, on August 23, 1979.

Doc No. 795526 Robert E. Stewart
Banking Commissioner

Filed: August 24, 1979, 1:56 p.m.
For further information, please call (512) 475-4451

On August 24, 1979, the banking commissioner received an application to acquire control of Southwestern Bank in Stafford by Denton A. Cooley, M.D., Constantine Kaldis, Reginald W. Gregory, Jr., and Gerald A. Maley, all of Houston. Additional information may be obtained from Robert E. Stewart, 2601 North Lamar, Austin, Texas 78705, telephone (512) 475-4451.

Issued in Austin, Texas, on August 24, 1979.

Doc. No. 795547 Robert E. Stewart
Banking Commissioner

Filed: August 28, 1979, 1:30 p.m.
For further information, please call (512) 475-4451.

State Bar of Texas

Basic Estate Planning and Probate for the General Practitioner

The State Bar of Texas in conjunction with the Midland, Amarillo, Dallas, Fort Worth, Travis County, San Antonio, and Houston Bar Associations is cosponsoring a seven-city Institute Series on Basic Estate Planning and Probate for the General Practitioner. This practical "how to" institute will offer general practitioners, in one day, the law and practical tips involved in handling basic estate planning and probate for small and medium-size estates. Numerous forms will be included in the written material.

Lawyers may choose from seven different institute cities and dates, which include Amarillo—September 13; Midland—September 14; Dallas—September 20; Fort Worth—September 21; Austin—September 27; San Antonio—October 4; and Houston—October 5.

Articles will be prepared and compiled in booklet form to be included as part of the registration fee and handed out the

day of the institute. The program includes the following topics:

- Nontax Considerations in Drafting Wills and Trusts in the Small Estate
- Nontestamentary Planning
- Tax Considerations in Drafting Wills and Trusts in the Medium Estate
- Types of Estate Administration
- Probate Practice and Procedure
- Taxes during Administration

Registration begins at 8:30 a.m. the morning of the institute date. Preregistration is \$45, and registration at the door is \$55. No refunds of registration fees can be granted after 5 p.m. of the day preceding this institute. Advanced registration may be made by sending a check payable to the State Bar of Texas, "Basic Estate Planning," P.O. Box 12487, Austin, Texas 78711. Be sure to include the institute city and date that you are planning to attend.

Issued in Austin, Texas, on August 27, 1979.

Doc No. 795585 Kathy Fly
Facilities Coordinator
State Bar of Texas

Filed: August 29, 1979, 10:34 a.m.
For further information, please call (512) 475-6842.

Comptroller of Public Accounts

Administrative Decision

Summary of Administrative Decision 7848

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

Summary of Decision: A net loss sustained by a corporation as a result of a joint venture operation should be treated as zero for purposes of computing the corporation's gross receipts, since a loss is not a receipt for franchise tax purposes.

Issued in Austin, Texas, on August 29, 1979.

Doc. No. 795584 Harriet Burke
Hearings Section
Comptroller of Public Accounts

Filed: August 29, 1979, 10:35 a.m.
For further information, please call (512) 475-2148.

Texas Health Facilities Commission

Applications for Exemption Certificate, Declaratory Ruling, and Administrative Order

Notice is given by the Texas Health Facilities Commission of applications (including a general project description) for declaratory rulings, exemption certificates, or administrative orders accepted August 14-20, 1979.

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

The contents and form of a request to become a party to an application for a declaratory ruling, exemption certificate, or administrative order must meet the minimum criteria set out in Rule 315.20.01.050. Failure of a party to supply the minimum necessary information in the correct form by the 12th day will result in a defective request to become a party and such application will be considered uncontested.

The fact that an application is uncontested will not mean that it will be approved. The application will be approved only if the commission determines that it qualifies under the criteria of Sections 3.02 or 3.03 of Article 4418(h), Vernon's Annotated Civil Statutes, and Rules 315.17.04.010-.070, 315.17.05.010-.030, 315.18.04.010-.040, and 315.18.05.010-.030.

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

**St. Luke's Episcopal Hospital and Texas Children's Hospital,
Houston**

AH77-1103-010E(1)(081679)

AO—Request extension of completion deadline for correction of life safety code violations as authorized in EC AH77-1103-010, from August 18, 1979, to August 19, 1981. The project is currently 60% complete.

The Methodist Hospital, Houston

AH79-0816-009

EC—Acquisition of mobile scintillation camera for use by the nuclear cardiology laboratory.

Southwest Texas Methodist Hospital, San Antonio

AH79-0816-017

EC—Acquire additional cardiac monitoring for use at eight intermediate coronary care beds and four surgical intensive care beds.

Val Verde Memorial Hospital, Del Rio

AH79-0816-004

EC—Addition of two hemodialysis machines to the existing service.

Fort Worth Children's Hospital, Fort Worth

AH79-0820-016

EC—Purchase a cardiac imager and related equipment for an existing "M" Mode Echo Cardiography Unit.

Navarro County Memorial Hospital, Corsicana

AH79-0820-022

EC—Acquisition of a C-arm image intensifier to replace the use of portable x-ray currently used in surgery.

St. Paul Hospital, Dallas

AH79-0820-012

EC—Purchase one mobile dialysis system for use in existing service.

Memorial Hospital, Gonzales

AH79-0815-011

EC—Addition of ultrasound service to the radiology department by contract.

Care Inn of Plainview, Plainview

AN79-0814-008

EC—Redistribute six of the facility's 34 ICF-II level care beds to ICF-III in a facility currently licensed for 34 ICF-II and 34 ICF-III beds.

Issued in Austin, Texas, on August 24, 1979.

Doc No 795513 Dan R. McNery
General Counsel
Texas Health Facilities Commission

Filed: August 24, 1979, 11:44 a.m.

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

Texas Department of Human Resources

Public Hearing Notice

A hearing to accept public comment on the department's Primary Home Care Program proposals will be held on Wednesday, September 26, 1979, in Room 406 of the John H. Reagan Building, Austin, Texas 78701, beginning at 9 a.m. Proposed rules about the Primary Home Care Program are published in this issue of the *Texas Register*.

Issued in Austin, Texas, on August 28, 1979.

Doc No 795563 Jerome Chapman
Commissioner
Texas Department of Human Resources

Filed: August 28, 1979, 4:50 p.m.

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

Texas Register

Correction of Error

Adopted Rules 301.54.12.001, .002, and .003, concerning Minimum Licensing Standards for Personal Care Homes, of the *Texas Department of Health*, contained four errors as published in the August 24, 1979, issue of the *Texas Register* (4 TexReg 3002).

Rule .001, subsection (d)(6), should read as follows:

.001. *General.*

(d) *Definitions.*

(6) *Safety.* Safety is defined as action taken to pro-

tect from injury or loss of life due to such conditions as fire, electrical hazard, unsafe building or site conditions, and the hazardous presence of toxic fumes and materials.

Rule .002, subsection (b)(2)(E), should read as follows:

.002. Personal Care Homes—Type A.

(b) Personal safety and comfort.

(2) Portable fire extinguishers.

(E) With reference to subsection (b)(2)(A) and (B) above, alternative locations and arrangements for fire extinguishers may be as approved by the licensing agency for small facilities, facilities consisting of separated small building units, or unusual building arrangements.

Rule .002, subsection (d)(3)(A), should read as follows:

(d) Accommodations.

(3) Recreation, living, and day room.

(A) Recreation, living, and day room space and furniture shall be provided to allow sitting of not less than 50% of the residents at one time. Each facility shall have at least one space of not less than 144 square feet regardless of number of residents. The required total space may include more than one room or area; second and subsequent spaces shall be not less than 100 square feet each.

Rule .003, subsection (a)(2)(C), should read as follows:

.003. Personal Care Homes—Type B.

(a) Building construction.

(2) Requirements of construction and life safety.

(C) An existing building occupied as a Type B personal care home at time of initial inspection by the licensing agency or converted to occupancy as a Type B personal care home shall meet all local requirements pertaining to that building for that occupancy. The licensing agency may require the facility sponsor or licensee to submit evidence that local requirements are satisfied.

Correction of Error

Rules 302.03.21.001-.030, *Licensing of Private Mental Hospitals*, adopted on an emergency basis by the *Texas Department of Mental Health and Mental Retardation*

contained an error as published in the August 28, 1979, issue of the *Texas Register* (4 TexReg 3041). Rule .006, subsection (b), should read as follows:

.006. Physical Plant Standards for Private Mental Hospitals.

(b) Each private mental hospital seeking licensure on or after the effective date of these standards shall be required to comply with Section 10-1, *New Hospitals, Nursing Homes, and Residential/Custodial Care Occupancies, Life Safety Code, 1973.*

Correction of Error

A meeting notice for the *Texas Parks and Wildlife Department* contained an incomplete agenda as published in the August 24, 1979, issue of the *Texas Register* (4 TexReg 3018). The complete agenda for the meeting follows.

Wednesday and Thursday, August 29 and 30, 1979, in conjunction with the August 29 and 30 public hearing.

The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet in Building B, at the department headquarters complex, 4200 Smith School Road, Austin. According to the agenda summary, the meeting includes the following: impact report on oil spill affecting coastal fish/wildlife resources; Galveston County saltwater fishing regulations; 1979-80 statewide hunting, fishing, and trapping proclamation amendments; Washington on-the-Brazos State Historical Park design/development review, Washington County; Palmetto Bend Park Site Phase B design/development review, Jackson County; Hale Ranch State Park site phase I design/development review, Fort Bend County; Garner State Park new area facilities design/development review, Uvalde County; and park operational analysis cost per visitor.

Additional information may be obtained from Maurine Ray, 4200 Smith School Road, Austin, Texas 78744, telephone (512) 475-4954.

Filed: August 20, 1979, 11:36 a.m.
Doc. No. 795332