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Volume 1, Number 51, July 2, 1976
Pages 1759 - 1804

TEXAS REGISTER

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TEXAS DOCUMENTS

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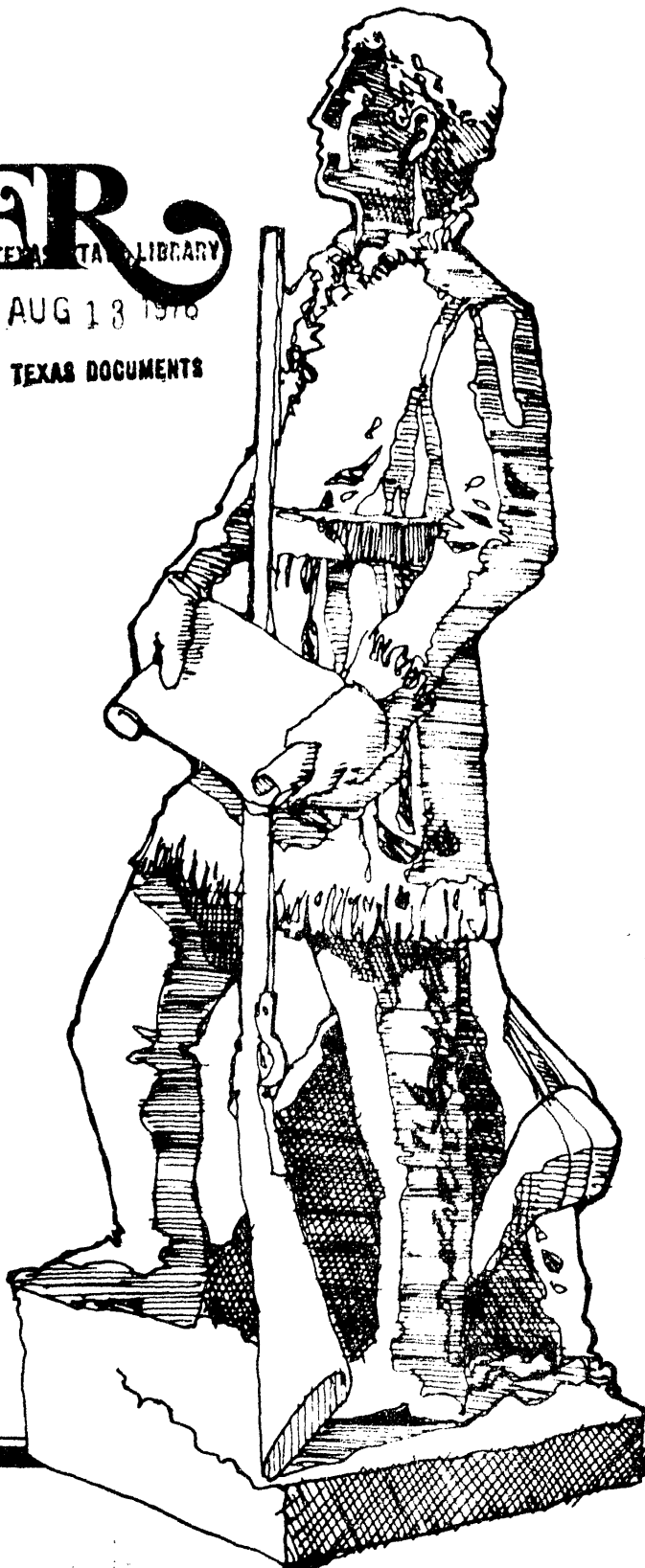
Emergency rules of the Department of Public Welfare concerning medical assistance programs

Halfway House Service Program rules proposed by the Board of Pardons and Paroles

Rules concerning equal opportunity proposed by the Texas Parks and Wildlife Department

Comprehensive Annual Services Program Plan rules proposed by the State Department of Public Welfare

United States Declaration of Independence



Office of the Secretary of State

NOTES ON THE ISSUE

The Texas Health Facilities Commission is proposing extensive revision to its body of rules. To accomplish this revision, the commission is proposing to repeal its existing interim permanent rules and replace them with new permanent rules. The proposed revision is intended to clarify commission procedures and standards and to provide a more efficient grouping of rules. Space limitations have prevented the publication of the texts of all the rules. The texts of the rules in proposed categories 315.14 and 315.15 will be published in the July 6 and July 9 issues of the *Register*. The date of adoption of these rules, however, will be computed from the date of this issue.

The State Bar of Texas now has available for sale ring binders designed to hold issues of the *Texas Register*. See the inside back cover of this issue for information on how to obtain these binders.

This coming Sunday marks the 200th anniversary of the establishment of the United States of America. To commemorate the bicentennial by recalling the principles which guided the founding of this nation, we are publishing the text of the Declaration of Independence in this issue.

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* is published twice weekly, 100 times a year by the Texas Register Division, Office of the Secretary of State, Box 819, Texas Commodore Building, Austin, Texas 78701 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, payable in advance, are \$25 (plus tax) for one year. Back issues, when available, are \$1 each (plus tax).

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Requests for Opinions

Summary of Request for Opinion RQ-1413

Request for opinion sent to Attorney General's Opinion Committee by Edwin E. Powell, Jr., County Attorney, Coryell County, Gatesville.

Summary of Request:

(1) Are livestock and poultry raised by the farmer exempt from taxation as farm products under Section 19, Article 9 of the Texas Constitution?

(2) What are "family supplies for home and farm" under the exemption set out in Section 19, Article 8, Texas Constitution?

Filed: June 24, 1976, 11:43 a.m.

Doc. No. 763428

Summary of Request for Opinion RQ-1414

Request for opinion sent to Attorney General's Opinion Committee by N. Alex Bickley, City Attorney, Dallas.

Summary of Request: Are contracts and proposals relating to the City of Dallas' area redevelopment program public under the Open Records Act?

Issued in Austin, Texas, on June 22, 1976.

Doc. No. 763429 C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

Filed: June 24, 1976, 11:43 a.m.

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

Opinions

Summary of Opinion H-839

Request for opinion from Fratis L. Duff, Director, Texas Department of Health Resources, Austin, concerning whether renewal fees under the Texas Sanitarian Act may be increased to more than \$10.

Summary of Opinion: Where it is impossible to administer the Texas Sanitation Act without increasing

the certificate renewal fee to more than \$10, the State Board of Health is authorized to increase the fee to a reasonable amount above that figure.

Issued in Austin, Texas, on June 22, 1976.

Doc. No. 763425 C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

Filed: June 24, 1976, 11:43 a.m.

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

Open Records Decisions

Summary of Open Records Decision 133

Request from Jonathan Day, City Attorney, Houston, concerning access to personnel files by terminated police cadets.

Summary of Decision: Section 3(a)(8), the law enforcement exception of the Open Records Act, does not except routine personnel information relating to the employment of an individual police officer. Such information is available for inspection by the employee to whom the record relates.

Filed: June 24, 1976, 11:43 a.m.

Doc. No. 763426

Summary of Open Records Decision 134

Request from Joseph D. Hawkins, Commissioner of Insurance, Austin, concerning State Fire Marshal's report on fire.

Summary of Decision: Certain basic factual information contained in the State Fire Marshal's fire investigation reports is required to be made public, but other portions of the report are excepted from required public disclosure by Section 3(a)(1) by virtue of Article 5.43 of the Insurance Code, and by Section 3(a)(8) as a record of a law enforcement agency that deals with detection and investigation of crime.

Issued in Austin, Texas, on June 21, 1976.

Doc. No. 763427 C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

Filed: June 24, 1976, 11:43 a.m.

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

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

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

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

State Department of Public Welfare

Medical Assistance Programs

Support Documents 326.46.99

The 64th Legislature expanded the provision of chiropractic services to all eligible Title XIX recipients. The State Department of Public Welfare, the state's single state agency responsible for the administration of Title XIX Medicaid programs, is establishing chiropractic services as a Medicaid program benefit for all Title XIX recipients through the department's health insuring agent. The expansion of this service will ensure compliance with the intent of the legislature.

The State Department of Public Welfare is therefore filing this amendment to the Texas State Plan for Medical Assistance as an emergency rule effective immediately, to ensure that chiropractic services are made available to all eligible Title XIX recipients during the remainder of the department's Fiscal Year 1976.

The amendment limits coverage of chiropractic services to services which consist of medically necessary treatment or correction by means of manual manipulation of the spine, by use of hands only, to correct a subluxation demonstrated by X-ray to exist. The X-ray must be done prior to such treatment. The chiropractor

must be licensed to practice in Texas and must meet the uniform minimum standards promulgated by the Secretary of the Department of Health, Education, and Welfare under Title XVIII of the Social Security Act. Coverage for chiropractic service is limited to no more than 24 visits per recipient per contract year. The contract year begins September 1 and ends August 31.

Under the emergency amendment, documenting X-rays will be kept on file and are subject to utilization review and audit procedures. Coverage does not extend to the diagnostic, therapeutic services, or adjunctive therapies furnished by a chiropractor or by others under his/her orders or direction. This exclusion applies to the X-ray taken for the purpose of determining the existence of a subluxation of the spine. Braces or supports, even though ordered by a medical doctor (M.D.) or doctor of osteopathy (D.O.) and supplied by a chiropractor, are not reimbursable items.

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

.001. *Texas State Plan for Medical Assistance.* The Department of Public Welfare adopts by reference the rules contained in the Texas State Plan for Medical Assistance under Title XIX of the Social Security Act, with the exception of Amendment No. 12, as amended in June, 1976.

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

Doc. No. 763460 Raymond W. Vowell
Commissioner
State Department of Public
Welfare

Effective Date: June 25, 1976

Expiration Date: October 23, 1976

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



PROPOSED RULES

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

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

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

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

Texas Health Facilities Commission

The Texas Health Facilities Commission is proposing to repeal the following rules. The commission has found that substantial changes in these rules are necessary to clarify, simplify, and provide a more efficient and orderly system for the regulation of development, construction, expansion, and/or modification of certain health care facilities and services in the State of Texas. To achieve this end, the commission proposes to adopt permanent rules to replace these rules. Extensive semantic changes are proposed to be made, and procedures established under these rules, which have proven to be inefficient, will be revised in the proposed permanent rules. To aid the public in understanding the proposed permanent rules, the commission has chosen to repeal these rules rather than to make extensive changes through amendment and addition.

Public comment is invited and will be accepted until July 16, 1976, and should be addressed to Michael R. Sharp, General Counsel, Texas Health Facilities Commission, P.O. Box 15023, Austin, Texas 78761.

A public hearing is scheduled to receive testimony relevant and material to the repeal of the described rules. The hearing will be held on July 16, 1976, at 10 a.m., at the offices of the Texas Health Facilities Commission, Suite 408, One Highland Center, Austin.

Because of the length of these rules, the text will not be published in the *Register*. The rules may be examined in the offices of the *Texas Register*, Suite 550, Texas Commodore Building, 8th and Brazos Streets, Austin, and in the offices of the Texas Health Facilities Commission, Suite 450, One Highland Center, 314 Highland Mall Boulevard, Austin, during normal working hours.

These rules are repealed under the authority of Section 2.06(2), Section C, Article 4418(h), Vernon's Annotated Civil Statutes.

- 315.01.00.001-.003 Introduction
- 315.02.00.001 Rules and Regulations of the Commission
- 315.03.00.001-.008 Rules and Regulations
- 315.04.00.001-.024 Definitions
- 315.05.00.001-.007 Procedures
- 315.06 General Rules
 - 315.06.01.001-.003 Computation of Time
 - 315.06.02.001-.002 Applications and Fees
 - 315.06.03.001-.012 Criteria
 - 315.06.04.001-.008 Hearings
 - 315.06.05.001 Commission Report and Recommendations
 - 315.06.06.001-.004 Actions and Proceedings of Commission
 - 315.06.07.001-.004 Judicial Review
 - 315.06.08.001-.002 Forfeiture or Revocations of Certificate and Rulings
 - 315.06.09.001 Violations and Enforcement
 - 315.06.10.001 Annual Report of Commission
 - 315.06.11.001-.002 Interagency Contracts and Funds
- 315.07 Supplementary Rules and Regulations
 - 315.07.01.001 Exemption Certificates and Declaratory Rulings
 - 315.07.02.001 Subscriptions
 - 315.07.03.001 APA Requirements for Exemption Certificates and Declaratory Rulings
 - 315.07.04.001 Open Records Requirements
 - 315.07.05.001 Interim Rule Error Corrections
 - 315.07.06.001 Time Extension and Transfer of Certificate Procedures

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

Doc. No. 763436- Melvin Rowland
763457 Chairman
Texas Health Facilities
Commission

Proposed Date of Adoption: August 1, 1976

For further information, please call (512) 475-6940.

Texas Health Facilities Commission

The Texas Health Facilities Commission is proposing to adopt permanent rules, designed to clarify and simplify the interim permanent rules which the commission proposes to repeal; and to provide a more efficient and orderly system for the regulation of development, construction, expansion, and/or modification of certain health care facilities and services in the State of Texas. Procedures established under the interim permanent rules, which have proven to be inefficient, will be revised in the proposed permanent rules.

Public comment is invited and will be accepted until July 16, 1976, and should be addressed to Michael R. Sharp, General Counsel, Texas Health Facilities Commission, P. O. Box 15023, Austin, Texas 78761.

A public hearing is scheduled to receive testimony relevant and material to the adoption of the proposed rules. The hearing will be held on July 16, 1976, at 10 a.m., at the offices of the Texas Health Facilities Commission, Suite 407, One Highland Center, Austin, Texas.

Introduction 315.09.00

Rules 315.09.00.001-.003 provide an explanation of the origin, composition, and purpose of the commission.

This rule is proposed under the provisions of Section C, Article 4418(h), Vernon's Annotated Civil Statutes.

.001. Origin of the Commission. In order to meet the requirements of and to implement the National Health Planning and Resources Development Act of 1974 (Public Law 93-641, 42 United States Code 300k), the State of Texas enacted the Texas Health Planning and Development Act, Article 4418(h), Vernon's Annotated Civil Statutes (hereinafter referred to as the act) to ensure that health services and facilities are made available to all citizens of the state in an orderly and economical manner.

The Texas Health Facilities Commission was created by Article 4418(h), Vernon's Annotated Civil Statutes, enacted by the 64th Legislature of the State of Texas, approved May 28, 1975.

.002. Composition of the Commission.

(a) *Composition.* The commission is under the direction of three commissioners appointed by the governor with the advice and consent of the senate. At least one commissioner, at the time of appointment, must be a resident of a county having a population of less than 50,000, according to the last preceding federal decennial census. However, a commissioner does not vacate the office by moving to another county. The

governor shall not appoint to the commission any person who is actively engaged as a health-care provider or who has any substantial pecuniary interest in a facility.

(b) *Executive officer.* The chairman is the chief executive and administrative officer of the commission. In addition to the other powers and duties prescribed by this act, the chairman as chief executive officer of the commission shall:

(1) administer the duties and functions of the commission;

(2) employ and remove personnel and prescribe their duties, responsibilities, and compensation; and

(3) submit through and with the approval of the commission requests for appropriations and other funds to operate the commission. In the absence of the chairman, for any cause, the vice-chairman has the powers and duties assigned to the chairman.

.003. Policy and Purpose of the Commission. The Texas Health Facilities Commission is established to fulfill the regulatory functions of the act for the development, construction, modification, or expansion of certain health-care facilities and services.

By statement and purpose of the act, the general duties of the Texas Health Facilities Commission are to:

(a) administer a state certificate of need program as prescribed by state and federal law;

(b) promulgate and adopt such rules determined to be necessary for the administration and enforcement of the state certificate of need program;

(c) issue written orders regarding certificate of need, exemption certificates, declaratory rulings, and other matters properly before the commission;

(d) make an annual report to the governor and the legislature of the commission's operations and provide other reports that the governor or legislature may require;

(e) administer all funds entrusted to the commission; and

(f) prescribe the personnel policies for the commission and perform other duties and functions that may be prescribed by law.

Rules and Regulations of the Commission 315.10.00

Rule 315.10.00.001 provides an explanation of the authority of the commission to adopt rules.

This rule is proposed under the provisions of Section C, Article 4418(h), Vernon's Annotated Civil Statutes.

.001. Rulemaking Authority. The Texas Health Facilities Commission is empowered by the act to promulgate and adopt rules and regulations to effectuate

the purpose of the act and to carry out the duties of the commission. This process is consistent with the National Health Planning and Resources Development Act, Title XV, and the federal regulations promulgated and adopted thereunder.

The commission shall review applications for certificate of need, exemption certificate, and declaratory ruling according to criteria for review established by the act and, by rules adopted by the commission and as appropriate, shall make orders pursuant thereto.

All rules promulgated and adopted by the commission are in accordance with applicable law governing open meetings, public hearings, proper posting of notice, and open records.

Rules and Records 315.11.00

Rules 315.11.00.001-.008 provide an explanation of the scope of the commission rules and the treatment of commission records.

These rules are proposed under the provisions of Section C, Article 4418(h), Vernon's Annotated Civil Statutes.

.001. Purpose of Rules. The rules herein promulgated pursuant to Article 4418(h), Vernon's Annotated Civil Statutes, are adopted by the Texas Health Facilities Commission in order to provide an efficient and orderly system for the regulation of development, construction, modification, or expansion of certain health care facilities and services in the State of Texas.

.002. Severability. Where any terms or sections of these rules are found by judicial determination to be inconsistent with the act, the act shall apply and the remaining terms and sections of these rules shall continue in effect.

.003. Use and Effect of Rules. The rules herein set forth are prescribed for the performance of statutory and regulatory functions by the commission and are not to be construed as limitations or restrictions upon the exercise of any proper discretion by the commission.

.004. Amendment of Rules. These rules may be amended as deemed appropriate by the commission.

.005. Violations of Rules. Any violations of the rules, regulations, or orders of the commission shall constitute a violation of the act. Enforcement of these rules and regulations will be pursuant to Section 3.14 of the act and as described in these rules.

.006. Open Records.

(a) Official records. Official records of the Texas Health Facilities Commission are public records as mandated by applicable statutes. These records may be inspected at any reasonable time by any persons but may not be removed from the commission office. Requests to view commission records should be made with reasonable prior notice by the requestor(s) in writing in order to allow the designated custodian ample time to retrieve such records from files whether active or in storage.

(b) Confidential records. A person who submits an application, a notice of intent to contest, or supporting information to the commission shall include a list of those sections or portions of the document or documents that he considers to be exempted from disclosure under the Open Records Act and a written brief which presents factual and legal argument in support of his position. An application, a notice of intent to contest, or supporting information submitted without a list of sections or portions considered to be exempt from disclosure by the applicant or contestant or without a supporting brief shall be considered, in all parts, open to public disclosure. The chairman of the commission shall determine whether to accept or reject an argument presented in a brief. When required by the provisions of the Open Records Act, the chairman shall request an attorney general opinion. When an argument is rejected by the chairman, or when the chairman requests an attorney general opinion, the applicant or contestant shall be notified.

(c) Request for inspection. Requestors must establish proper identification. Custodian of the records shall promptly produce information for inspection or duplication, or both. If such records are in storage, the custodian shall certify this fact in writing to the requestor and shall set an hour and date within a reasonable time when the record will be available. Original copies of records shall not be removed from the offices of the commission without written permission of the custodian of the records.

(1) The chief administrative officer of the Texas Health Facilities Commission is designated as custodian of the records (Section 5, Article 6252-17a, Vernon's Annotated Civil Statutes).

(2) Any expenses incurred in the reproduction, preparation, or retrieval of records shall be borne by the requestor(s) on a cost basis in accord with costs established by the State Board of Control for office machine copies. The charges are as follows: maximum charge for the first copy of a letter or legal-size page is 55 cents. Subsequent copies of the same document or of succeeding pages is 15 cents per page. If the actual cost of reproducing such documents is less than the maximum charge established by the Board of Control, the commission may charge the lesser amount. Further, in

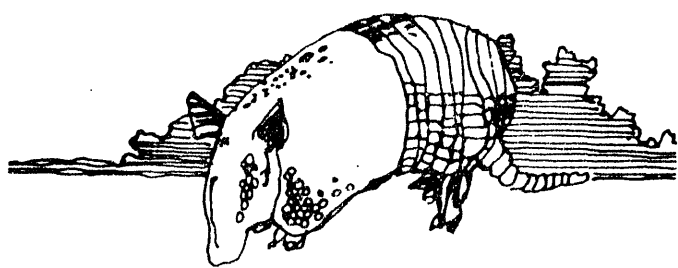
regard to mailing of reproduced documents and applicable postage charges, the commission is not required to mail such documents to requestor unless the commission so chooses. If the commission does mail the document(s), it may charge for the postage at the same time it charges for the reproduction. It should be noted that as a part of the charges for reproduction of documents, state and local sales tax of five percent is applicable and will be charged. Postage is not subject to the tax; however, all other charges involved in reproduction are subject to the tax. (Reference: Sales Tax Bulletin Number 5-- Revised, Comptroller of Public Accounts)

.007. *Record of the Commission Meetings.* A record of meetings and hearings shall be kept in a manner as may be consistent with applicable law.

.008. *The Administrative Procedure and Texas Register Act.* All proceedings of the commission shall be conducted pursuant to the rules and regulations outlined in the Administrative Procedure and Texas Register Act except where such rules and regulations are inconsistent with Article 4418(h), Vernon's Annotated Civil Statutes.

Explanation of Terms 315.12.00

Rule 315.12.00.001, Definitions, defines and explains the terms used in the proposed permanent rules. Because of its length, this rule will not be published. Copies may be inspected during business hours at the office of the *Texas Register*, Suite 550, Texas Comodore Building, Austin.



Procedures 315.13.00

Rules 315.13.00.001-.007 provide an explanation of the process and review of applications for certificate of need by the commission.

This rule is proposed under the provisions of Article 4418(h), Vernon's Annotated Civil Statutes.

.001. *Application.* An application is prescribed for all persons seeking formal commission action. A per-

son must apply for a certificate of need, exemption certificate or declaratory ruling by submitting a written application to the commission. The application must be prepared in the form and contain the information required by the commission.

.002. *Review and Acknowledgment.* Each application for a certificate of need shall be reviewed and a determination made within five working days after the day of its receipt whether the application is complete, adequate, and complies with the commission's rules. Applicant will be notified by mail of acceptance or rejection of the application on grounds of complete and adequate information.

If incomplete, the applicant will be provided a list of deficiencies for correction. The five-working-day review will again be applied upon receipt of the corrected application. Failure to submit corrections to stated deficiencies within 120 calendar days will result in withdrawal of said application. For minor deficiencies, conditional acceptance may apply; applicant will be provided a list of deficiencies and must resubmit within 10 days from the date of the acceptance letter for processing to continue.

.003. *Hearings Schedule.* Upon review and acceptance, and as prescribed by rules of the commission, a hearing will be scheduled on the certificate of need application on a date not less than 61 days nor more than 70 days after the application is dated. All scheduled hearings are held at the location designated by the chairman or his designee.

.004. *Notice of Hearing.* Notice shall be given of all hearings held by the commission for the purpose of carrying out its duties and functions. Posting of notice of hearings shall conform to all laws governing posting and scheduling.

.005. *Health Systems Agency (HSA) Review.* The commission shall transmit a copy of an application for a certificate of need to the appropriate HSA no later than the day it forwards the notification of hearing to the applicant. Upon receipt of notice of contest, the commission shall provide copies to the applicant and the HSA. The HSA shall consider said application pursuant to rules established by the commission and forward its recommendations, if any, in the form prescribed by the commission to be received by the commission no later than the 45th day from the signing and dating of said application by the chairman.

.006. *Commission Review.*

(a) The chairman shall designate a hearing officer to conduct a hearing for each dated application. The hearing officer must be an employee of the commission who is an attorney licensed to practice law in this state.

(b) If an HSA has submitted written comments concerning an application to the commission and the applicant as provided in Section 3.08 of the act and the rules promulgated thereunder, a representative or representatives of that agency may present testimony and evidence for or against that application at the hearing. Any other interested party may present evidence or testimony for or against an application pursuant to rules promulgated by the commission. Testimony may be presented orally or in writing.

(c) The hearing officer shall keep a complete record of each hearing and transmit the record to the commission when completed. Each record must include, in addition to any other items required by rules promulgated by the commission:

- (1) evidence received or considered;
- (2) a statement of matters officially noticed;
- (3) objections and rulings thereon;
- (4) staff memoranda or data submitted to or

considered by the hearing officer or the commission in connection with the hearing; and

(5) the recommendations of the hearing officer concerning the approval or disapproval of the application.

(d) The hearing officer shall forward to the commissioners the complete record of the hearing on an application for a certificate of need not later than the 75th day following the dating of the application. However, if the date of the hearing was delayed pursuant to Section 3.06(b)(2) of this act and the rules promulgated thereunder, the deadline for forwarding the record is extended accordingly.

(e) At the request of the applicant and with the concurrence of the commission, an uncontested application may be reviewed by and acted on by the commission without a hearing.

.007. Order or Ruling. The commission shall either grant or deny a certificate of need by written order not later than 90 days following the dating of the application unless a later date is agreed on in writing by the applicant and the commission. If the date of hearing was delayed as outlined in Section 3.06(b)(2) of the act, then the deadline for the order is extended accordingly. Copies of the order and the record of the hearing shall be filed in the office of the commission and shall be available for public inspection.

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

Doc. No. 763363-
763367 Melvin Rowland
 Chairman
 Texas Health Facilities
 Commission

Proposed Date of Adoption: August 1, 1976

For further information, please call (512) 475-6940.

Because of the length of the rules in the following categories, the text will not be published in this issue of the *Register*. The listing of the category and subcategory titles below will serve as notice of proposed rulemaking for the purpose of computing the date of adoption.

The complete text of the rules in category 315.14 will appear in the July 6, 1976, issue of the *Register*. The July 9, 1976, issue will contain the text of the rules in category 315.15.

The rules may be inspected in the offices of the *Texas Register*, Suite 550, Texas Commodore Building, 8th and Brazos Streets, Austin, and in the offices of the Texas Health Facilities Commission, Suite 450, One Highland Center, 314 Highland Mall Boulevard, Austin, during normal working hours.

315.14 General Rules

- 315.14.01.001 Computation of Time
- 315.14.02.001-.002 Applications and Fees
- 315.14.03.001 Criteria
- 315.14.04.001-.017 Hearings
- 315.14.05.001 Hearing Officer's Report and Recommendation
- 315.14.06.001-.004 Actions and Proceedings of the Commission
- 315.14.07.001-.004 Judicial Review
- 315.14.08.001-.003 Forfeiture or Revocations of Certificate and Rulings
- 315.14.09.001 Violations and Enforcement
- 315.14.10.001 Annual Report of Commission
- 315.14.11.001-.002 Interagency Contracts and Funds

315.15 Supplementary Rules and Regulations

- 315.15.01.001 Applicability of the Act
- 315.15.02.001 Fees for Rules and Postings
- 315.15.03.001 Exemption Certificate and Declaratory Ruling Procedures
- 315.15.04.001 Public Disclosure Proceedings
- 315.15.05.001 Transfer of Exemption Certificates, Declaratory Rulings, and Certificates of Need

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

Doc. No. 763368-
763383 Melvin Rowland
 Chairman
 Texas Health Facilities
 Commission

Proposed Date of Adoption: August 1, 1976

For further information, please call (512) 475-6940.

Board of Pardons and Paroles

Paroles

Contractual Placement Services 205.03.06

The Texas Board of Pardons and Paroles is proposing to adopt Rules 205.03.06.001-.007 for contractual placement services. The purpose of the Halfway House Service Program is to provide the parole system with reasonable alternatives to parole denial and revocation by having a supervised living situation available at the time of release and at any time during the duration of the parole. These rules were adopted on an emergency basis and became effective as emergency rules on May 14, 1976.

The board plans to adopt these proposed rules 30 days after publication. Public comment on Proposed Rules 205.03.06.001-.007 is invited. Persons should submit their comments in writing to John G. Jasuta, Staff Attorney, Board of Pardons and Paroles, Room 711, Stephen F. Austin Building, Austin, Texas 78701. Comments will be accepted until July 19, 1976.

These rules are proposed under the authority of Article IV, Section 11, Texas Code of Criminal Procedure, and Article V, Section 18, Appropriations Bill, 64th Legislature, 1975.

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

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

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

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

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

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

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

(a) the Director of Parole Supervision or his designate;

(b) a representative of the Field Services Division;

(c) a representative of the Institutional Services Division;

(d) a representative of the State Bar of Texas;

(e) a representative of the Texas Commission on Alcoholism Field Services Section;

(f) a representative of the Texas Criminal Justice Division, acting in an advisory capacity only to the committee;

(g) a representative from a Probation Department; and

(h) a representative from interested citizen's groups.

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

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

(a) a formal application for consideration as a contract referral service agency;

(b) a report detailing the results of a site visit by a member of the COPE staff;

(c) a copy of the articles of incorporation of the facility which shall contain the following clearly stated:

(1) identification of the corporate entity;

(2) purpose of the corporate entity;

(3) provisions for tax-exempt status, except when the facility is a private corporation;

(4) provisions against conflicts of interest;

(5) provisions for amendments to the articles of incorporation;

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

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

- (1) membership in the facility, including the types of membership qualification for membership and rights and duties of the members of the facility;
- (2) provisions for the governing body;
- (3) number of members in the governing body;
- (4) method of selecting members of the governing body;
- (5) terms of office for members of the governing body;
- (6) provisions for officers of the body;
- (7) method of selection of officers;
- (8) term of office for all officers;
- (9) specification of duties of officers and members of the facility/corporation;
- (10) provision for standing committees;
- (11) provision for regular and special meetings;
- (12) establishment of a quorum for meetings;
- (13) responsibilities of the governing body;
- (14) use of parliamentary procedures;
- (15) provisions for recording the minutes of meetings;
- (16) method of amending the bylaws;
- (17) provisions against conflicts of interest of members;
- (18) specification of the relationship of the chief executive officer to the governing body.

.004. Personnel Policy of the Halfway House.

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

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

- (1) an organizational chart;
- (2) method of employment and promotion;
- (3) method of resignation, suspensions, and terminations;
- (4) the person or persons responsible for employment, promotion, resignation, suspension and termination;
- (5) a grievance procedure;
- (6) job qualifications and job descriptions;
- (7) employee evaluation processes;
- (8) personnel records;
- (9) salaries;
- (10) hours of work;
- (11) benefits;
- (12) provisions relating to attendance at academic and training courses related to the work;

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

.005. Fiscal Affairs of Halfway Houses.

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

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

- (1) the needs and goals along with the resources for meeting these goals;
- (2) provisions for a full audit to be conducted annually by an independent firm;
- (3) provisions for financial reports to be prepared and submitted to the Board of Pardons and Paroles at regular intervals;
- (4) provisions for a standard system of internal fiscal control;
- (5) a written fiscal policy statement;
- (6) provisions to bond facility staff who have responsibility for funds;
- (7) a written policy statement for cash disbursements;
- (8) provisions for the maintenance of employee time records;
- (9) a written policy statement for the purchase and receipt of orders;
- (10) a written policy statement relating to inventory control and for a regularly scheduled inventory.

.006. Standards and Services.

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

- (1) The physical condition of the building will be such as to meet the minimum electrical, plumbing, sanitation, building, fire, and other applicable codes of the governmental jurisdiction in which the treatment center is located.
- (2) Adequate food service facilities, meeting all sanitation and health department codes, will be made available for community-based treatment facilities.
- (3) The community treatment center should be located in an area reasonably close to public transportation, employment, and vocational opportunities; medical, psychiatric, recreational, and other community resources; and agencies to be utilized by the community treatment center for its clients or provide transportation to such services.

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

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

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

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

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

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

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

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

- (1) medical services;
- (2) psychological evaluation;
- (3) psychological counseling or therapy;
- (4) vocational training;
- (5) vocational and/or employment evaluation;
- (6) employment placement;
- (7) academic upgrading, e.g., GED, college courses, etc.;

(8) any other services as needed by the type of program operated and the particular needs of individual clients.

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

(E) The facility will establish clearly defined and written treatment policies and procedures. Such policies and procedures will state the type of client acceptable for admission to the program.

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) identification data;
- (b) reports from referring sources;

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

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

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

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

- (1) the effectiveness of program and services in fulfilling the stated purposes and goals of the agency; and
- (2) as the basis for change, modification, or addition to the program and services offered by the agency.

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

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

.007. *Financial Contribution by Client.*

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

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

Issued in Austin, Texas, on June 22, 1976.

Doc. No. 763361 Clyde Whiteside
 Chairman
 Board of Pardons and Paroles

Proposed Date of Adoption: August 1, 1976

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

Texas Parks and Wildlife Department

Administration

Affirmative Actions 127.60.01.001-.004

The Texas Parks and Wildlife Department proposes to repeal Rules 127.60.01.001-.004, which prescribe departmental guidelines to satisfy federal, state, or other laws concerning equal opportunity for employment and career progression.

The department proposes to repeal Rules 127.60.01.001-.004 because more definitive rules governing departmental procedures for affirmative action are being proposed for adoption.

Public comment on the proposed repeal of Rules 127.60.01.001-.004 is invited. Comments may be submitted by telephoning (512) 475-3590, or by writing to Donald L. Brann, Equal Employment Opportunity Coordinator, Texas Parks and Wildlife Department, John H. Reagan Building, Austin, Texas 78701. Comments will be accepted until August 1, 1976.

Pursuant to the authority of Articles 4413-31, 4419-3, 6252-14, 6252-16, 6252-4a, and 6825, Revised Civil Statutes, and Public Laws 69, 88-38, 88-352, and 90.202, the Texas Parks and Wildlife Department proposes to repeal Rules 127.60.01.001-.004, which read as follows:

.001. *Statement of Position.*

(a) The department respects human dignity and the rights and responsibilities of citizens.

(b) The department will comply with all federal, state, or other laws affecting the operation of the department and obligations of employees.

(c) State and federal laws specifically prohibit discrimination for reasons of race, religion, color, sex, or national origin.

(d) Officers or employees of the department, acting in their official capacities, can be held financially liable for discriminatory practices as defined in the Equal Employment Opportunity Act.

(e) The current appropriations bill provides that none of the funds appropriated shall be expended by agencies which practice discrimination based on race, creed, sex, or national origin.

(f) It should be obvious to all employees of the department that it is prudent to refrain from any practice in the performance of their duties that may be considered discriminatory.

.002. *Equal Opportunity Practices.*

(a) Impartial treatment will be given to departmental employees, regardless of the employee's race, color, religion, sex, or national origin. Staff and division directors will insure that all applicants are given an

equal opportunity for employment. They will not fail or refuse to hire an individual; discharge or otherwise discriminate against him; limit, segregate, or deprive him of employment opportunities; or adversely affect his status as an employee. Caution must be exercised in all supervisory actions to insure that the action is fair and impartial and based on facts of performance.

(b) Employees of the department cannot, because of a person's race, religion, color, sex, or national origin, refuse to:

(1) issue or revoke a license, permit, certificate, or citation to a person;

(2) permit a person the use of facilities which are open to the public and owned, operated, or managed by or on behalf of the state; restrooms and related areas of customary privacy may be segregated by sex;

(3) permit a person's participation in a program that is owned, operated, or managed by or on behalf of the state; or

(4) let a person bid on a state service or contract.

.003. *Employing the Handicapped.* The department will encourage the employment of the physically and mentally handicapped and disadvantaged individuals in positions where their services can be productively and effectively utilized. Counselors from the Texas Rehabilitation Commission are available in most areas to provide assistance in implementing this program.

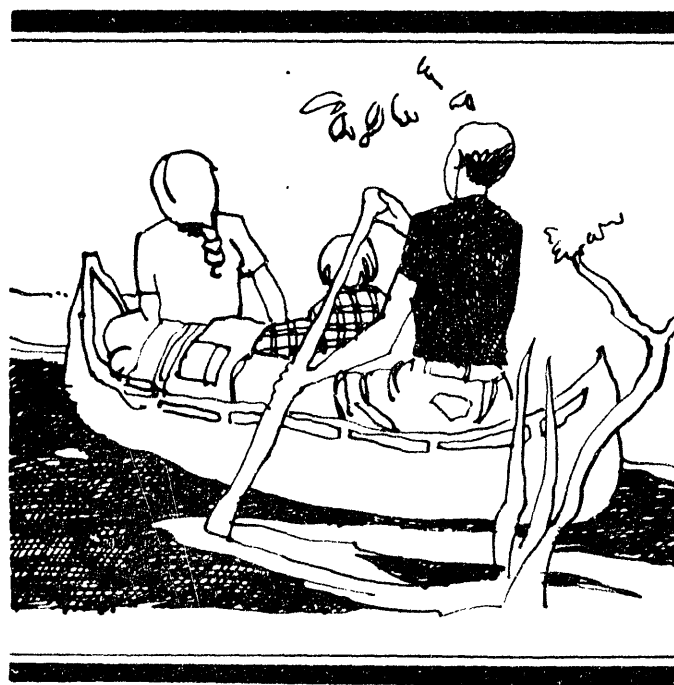
.004. *Veterans' Preference.* Texas law provides for employment preference entitlement in state agencies for honorably discharged veterans over other applicants when the applicants' qualifications are equal. To qualify for such preference, the veteran of any military conflict in which the United States has participated must have been a citizen of Texas for at least five years; be competent and qualified; and be a person of good moral character. The preference extends to a veteran's widow or orphans, but does not apply to a conscientious objector nor to veterans who receive or are entitled to receive military retirement pay, other than for disability. Wherever possible, 10 percent of the persons given preference is to be taken from veterans who have been discharged from the armed services within the preceding 18 months. Persons with a service-connected disability are entitled to preference over all other applicants for the same position who have no such disability nor greater qualifications.

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

Doc. No. 763462 Perry V. Spalding
 Administrative Assistant
 Texas Parks and Wildlife
 Department

Proposed Date of Adoption: August 1, 1976

For further information, please call (512) 475-3590.



127.60.01.005-.008

The Texas Parks and Wildlife Department proposes to adopt Rules 127.60.01.005-.008, which prescribe departmental guidelines to satisfy federal, state, or other laws concerning equal opportunity for employment and career progression, and which convey the department's commitment to affirmative actions as further set forth in its current Equal Employment Opportunity Plan.

The proposed rules broaden the scope of the department's affirmative actions and provide specific guidelines to ensure equality of opportunity for all citizens.

Public comment on proposed Rules 127.60.01.005-.008 is invited. Comments may be submitted by telephoning (512) 475-3590, or by writing to Donald L. Brann, Equal Employment Opportunity Coordinator, Texas Parks and Wildlife Department, Austin, Texas 78701. Comments will be accepted until August 1, 1976.

These rules are proposed under the authority of Articles 4413-31, 4419-3, 6252-14, 6252-16, 6252-4a, and 6825, Revised Civil Statutes, and Public Laws 69, 88-38, 88-352, and 90.202.

.005. *Statement of Position.*

(a) The department respects human dignity and the rights and responsibilities of citizens.

(b) The department fully supports the national goal of achieving equal opportunity for persons of every race, color, religion, national origin, or sex.

(c) The department will comply with all federal, state, or other laws affecting its operation and the obligations of its employees, including the non-discriminatory provisions of the Civil Rights Act of 1964, as amended, and contained in the Equal Opportunity Act of 1972.

(d) Recognizing that passive prohibition of discriminatory practices is not sufficient to ensure equal opportunity, departmental personnel at all levels are required to fully and actively support the program.

(e) As defined in the Equal Employment Opportunity Plan, it is the intent of the department to recruit, hire, and promote persons in all job classifications on the basis of their job-related qualifications.

(f) The department will assure that no person shall be excluded from consideration for recruitment, testing, appointment, assignment, training, promotion, retention, or any other personnel action, or be denied any benefits or privileges of employment on the basis of political or religious opinions or affiliation, or because of race, color, national origin, sex, age, or physical disability. Exceptions will be made when sex, age, or physical requirements constitute a *bona fide* occupational qualification.

(g) This commitment extends to all activities and programs which are conducted by other agencies, institutions, organizations, vendors, or political subdivisions where financial assistance is made available by the department through sub-grants, contracts, or other arrangements using federal or state funds.

.006. Responsibilities.

(a) The current appropriations act provides that "none of the funds appropriated in this act shall be expended by agencies which practice discrimination based on race, creed, sex, or national origin."

(b) All employees of the department shall refrain from any practice in the performance of their duties which may be considered discriminatory.

(c) Specific responsibilities of employees include the following:

(1) The executive director provides leadership in establishing, maintaining, and carrying out an effective equal employment opportunity program within the department.

(2) The director of administration is charged with the overall implementation and control of the department's equal employment opportunity program and serves as chairman of the Equal Employment Opportunity Advisory Committee.

(3) The personnel director, or any other employee who may later be designated as the Equal Employment Opportunity Coordinator, is delegated the overall responsibility for developing and monitoring the Equal Employment Opportunity Plan and its objectives.

(4) Division directors are responsible for assuring that appropriate affirmative actions are taken in

conjunction with all personnel action proposals.

(5) Supervisors and employees at all levels are responsible for the success of this program.

.007. *Scope.* In addition to the legal requirements outlined in Rules 127.60.01.005-.006 above, the following specific classes of individuals are to be recipients of affirmative actions:

(a) Age: Discrimination against persons or employees in the 40- to 65-year age group is prohibited under the provisions of the Age Discrimination in Employment Act, as enforced by the Wage/Hour Division of the Department of Labor.

(b) Handicapped: The department encourages the employment of the physically and mentally handicapped and disadvantaged individuals in positions where their services can be effectively utilized. Counselors from the Texas Rehabilitation Commission are available in most areas of the state to provide assistance in implementing the Hire-the-Handicapped Program.

(c) Veterans: Although the department is not a member of the Merit System Council, under which plan state law provides employment preference for veterans, extra consideration will be given to recently discharged veterans when their qualifications are equal to those of other applicants.

.008. *Equal Opportunity Practices.*

(a) Division and staff directors will ensure that all applicants are given an equal opportunity for employment.

(b) Caution shall be exercised in all supervisory actions to ensure the action is fair and impartial and based on facts of performance.

(c) Because of a person's race, color, religion, national origin, or sex, employees of the department cannot refuse to:

(1) issue or revoke a license, permit, certificate, or citation;

(2) permit the use of facilities which are open to the public and are owned, operated, or managed on behalf of the state; restrooms and related areas of customary privacy may be segregated by sex;

(3) permit participation in a program that is owned, operated, or managed by or on behalf of the state; and

(4) let a person bid on a state service or contract.

(d) The department will conduct recruiting activities in a manner to ensure equality of opportunity for all citizens.

(e) Factors which further the principles of equal employment opportunity will be used as the basis for making employment decisions.

(f) When possible, affirmative action will be taken to increase job opportunities for minorities and women at all levels of operation.

(g) Implemented programs for position classifications and career progression will be improved and expanded as inadequacies become evident.

(h) Equal opportunity will be an integral part of each training format to be developed and conducted for the benefit of all supervisors and employees.

(i) The department will strive to create and maintain a healthy work environment and atmosphere to aid employee productivity and reduce non-work problems.

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

Doc. No. 763463 Perry V. Spalding
 Administrative Assistant
 Texas Parks and Wildlife
 Department

Proposed Date of Adoption: August 1, 1976

For further information, please call (512) 475-3590.

State Department of Public Welfare

Organization, Administration, and Management

Support Documents 326.51.99

The Department of Public Welfare proposes to amend the rule adopting by reference the Title XX Comprehensive Annual Services Program Plan (CASPP) for Texas for the services program year October 1, 1976, to September 30, 1977.

Title XX became law on January 4, 1975. It replaces Title VI (Social Services to Adults) and the parts of Title IV-A, which legislated social services for the Aid to Families with Dependent Children (AFDC) Program. It retains the previously applicable \$2.5 billion national ceiling for expenditures for these programs. For Fiscal Year 1977, the Texas allocation from that ceiling will be \$142.5 million.

Services listed in the program summary of the CASPP will meet one or more of the following Title XX goals:

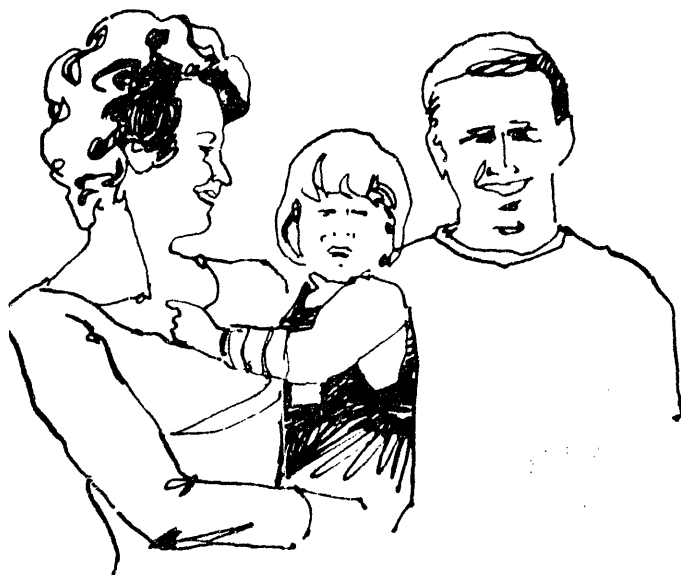
- (1) achieving or maintaining economic self-support to prevent, reduce, or eliminate dependency;
- (2) achieving or maintaining self-sufficiency, including reduction or prevention of dependency;

(3) preventing or remedying neglect, abuse, or exploitation of children and adults unable to protect their own interests, or preserving, rehabilitating, or reuniting families;

(4) preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care;

(5) securing referral or admission for institutional care when other forms of care are not appropriate, or providing services to individuals in institutions.

The geographic areas to be served by Title XX are 12 Department of Public Welfare regions. These regions also correspond with the 12 health service areas in the state. Most services will be offered statewide to eligible individuals. Some services may be offered in limited areas of the state on a pilot/demonstration project basis. All services will be provided as appropriate to the individual, to current recipients of AFDC, Supplemental Security Income (SSI), and Medical Assistance Only (MAO). Certain services will be provided on the basis of documented need but without regard to income eligibility. Certain services will be provided on the basis of documented need to individuals whose incomes are below 60 percent of the state's median income. Certain services for aged, blind, and disabled adults (ABD Services) will be provided to individuals whose incomes are below 65 percent of the state's median income. No services other than Protective Services, Protective Child Care, and Information and Referral as part of another service, will be provided to individuals whose income exceeds 60 percent (or 65 percent for ABD Services) of the state's median income.



INCOME CHARTS

State Median Income for a family of 4 = \$13,924

Family Size	60% Level		65% Level (ABD Services Only)	
	Annual	Monthly	Annual	Monthly
1	\$ 4,344	\$ 362	\$ 4,706	\$392
2	5,681	473	6,154	513
3	7,018	585	7,603	634
4	8,354	696	9,050	754
5	9,691	808	10,499	875
6	11,028	919	11,947	996
7	11,278	940	12,218	1,018
8	11,529	961	12,489	1,041
9	11,780	982	12,761	1,063
10	12,030	1,003	13,033	1,086
11	12,281	1,023	13,304	1,109
12	12,532	1,044	13,576	1,131

The following persons shall be included when making a determination of family size of the potentially income-eligible client (in every instance include only those persons actually residing in the same household):

- (1) an adult and spouse, if married (including by common law);
- (2) any natural or adopted minor children of the adult or married couple;
- (3) any minor children for whom the adult or couple is legally responsible;
- (4) if a minor, described in (2) or (3) above, in the household is a parent, also include his or her child.

If a minor is living with non-legally responsible relatives, is an emancipated minor, or is living under the care of unrelated persons, he or she may be considered as a one-person family. Where unrelated adults reside together, they may be considered separately. Married couples may never be considered separately.

Individuals may apply for Title XX services and have their eligibility determined by staff from any local Department of Public Welfare (DPW) office. Addresses and telephone numbers of these offices are listed in local telephone directories and in DPW public information materials such as pamphlets and brochures. Individuals may also apply at a contract agency for services provided by that agency.

A fee will be imposed for day care services for children. Fees will not be charged for children served for the following purposes:

- (1) to prevent or remedy abuse or neglect of children reported under the Family Code, including ensuring adequate care and supervision of the child;

(2) to allow parents or caretakers to participate in the DPW-VR or WIN programs, including the one-year period during which they remain eligible upon the completion of the WIN or DPW-VR program;

(3) to allow AFDC, SSI, or income-eligible MAO recipients to participate in work or training or to actively seek employment;

(4) to offer children of AFDC, SSI, or income-eligible MAO recipients needed growth opportunities related to their physical, social, and mental functioning.

Fees will be charged for children served for the following purposes:

(1) to allow income-eligible parents or caretakers to participate in work or training or to actively seek employment;

(2) to offer children of income-eligible persons needed growth opportunities related to their physical, social, or mental functioning.

The fee charged will be based on gross family income, family size, and the local day care service cost (excluding staff development training, transportation, and full family service components).

Contractors are liable for the collection of fees under these guidelines:

(1) Fees will not be assessed to any individuals who are current recipients of Supplemental Security Income (SSI).

(2) Fees will not be charged for Protective Services to Adults provided by DPW workers.

(3) Fees will be assessed for aged, blind, and disabled adults (ABD) services (other than Protective Services to Adults) provided to individuals whose gross income falls within the income range.

(4) The fee schedule is designed to include those individuals whose income is at or below 65 percent of the state median income. Setting the income-eligible limit at the 65 percent level will include most Medical Assistance Only individuals whose income is low enough to qualify them for vendor payments in a certified nursing facility.

Effective September 1, 1976, the DPW regional structure will be adjusted to conform to the 12 health service areas designated by the governor to conform with PL-93-641, the National Health Planning and Development Resource Act of 1974. Each will provide social services through a central office and local offices in communities throughout the region. The regions have a clearly outlined plan for effectively responding to all of the department's varied program responsibilities.

The Social Services Branch under the Office of the Deputy Commissioner for Financial and Social Programs is responsible for Title XX social service programs related to services for aged, blind, and disabled adults, child development and day care, protective services for children, rehabilitation and self-support services, family and health related services, interagency agreements, volunteer programs, and coordination with human resource organizations throughout the state.

The department offers a program of volunteer services through which individuals may contribute their time, skills, and personal resources to assist in the implementation and extension of DPW programs and services to clients. The program also provides a channel for public awareness of DPW clients and of the services designated to meet their needs.

Volunteers may also provide indirect services, such as recruitment of foster parents. In addition, volunteers serve on advisory committees.

The social services provided through Title XX represent a major resource in meeting the needs of low and moderate income individuals across the state. Title XX resources are, however, limited by the availability of local, state, and federal funds. The coordination of Title XX services with other human service resources is intended to ensure that the needs of each eligible individual are addressed in an efficient and effective manner.

The department will coordinate and interface with related human service programs through purchase of social services and cooperative agreements for social services. The ultimate responsibility for all aspects of social services delivered to a client related to Title XX shall be vested in the department. However, portions of that responsibility may be delegated through purchase of service contracts or cooperative agreements.

Advisory groups such as local child welfare boards and the state office Social Services Advisory Committee are used to obtain input on policy development and service delivery from persons outside of the department. The state office Social Services Advisory Committee members are appointed by the commissioner. Committee membership consists of approximately equal numbers of persons who are DPW clients, interested citizens, and representatives of organizations and associations concerned about services to DPW clients. Each committee member serves a three-year term.

Title IV-A of the Social Security Act provides funding for three major programs administered by the department:

(1) Aid to Families with Dependent Children (AFDC) provides subsistence grants to eligible children who are deprived of parental support. Persons applying for or receiving an AFDC grant will be referred to DPW social service workers and Title XX contract agencies, when appropriate. Persons receiving Title XX social services will be frequently referred to DPW financial assistance workers. In addition, a DPW social service worker may have the responsibility of securing a protective payee for an AFDC recipient who cannot adequately manage his grant.

(2) The AFDC Foster Care Program is the AFDC or AFDC relatable children who are removed from their own homes for their protection. The program provides financial assistance for foster home or institutional care until the child can be returned to his own family or until arrangements other than foster care are effected. The social service worker is responsible for recruitment, study, supervision, and development of the foster homes, for placement of the children, and for coordinating with the AFDC worker in securing payment to the foster care facility.

(3) The Work Incentive Program (WIN), operated by DPW and the Texas Employment Commission, provides employment or job training for recipients of AFDC. DPW social services workers will frequently provide follow-up services to former WIN participants.

Through Title IV-B (Child Welfare Services) of the Social Security Act, funds are available for the protection of children from abuse, neglect, and exploitation. Title IV-B services are also provided for juvenile-age children in need of supervision, certain truant and runaway children, and unmarried parents. Child Welfare Services include protective services, foster care, and adoption services. Most child welfare services will be offered through both Title XX and Title IV-B.

Title IV-D (Child Support and Establishment of Paternity) requires that the state establish and maintain a Child Support Program for the purpose of establishing paternity, obtaining child support, and enforcing the

support obligation of absent parents. A Title XX social worker will arrange for the protective payee.

Title XVI (Supplemental Security Income) of the Social Security Act provides financial assistance to needy aged, blind, and disabled individuals. Financial payments are administered by the Social Security Administration. Certain social services for these individuals may be provided by DPW workers and contract agencies through Title XX. A formalized referral process has been established between the Social Security Administration and DPW.

Title XIX (Medical Assistance) of the Social Security Act provides medical coverage for eligible low-income individuals in the state. The coordination of Title XIX and Title XX services enables the department to provide comprehensive health and social service programs to eligible low-income individuals.

(1) **Comprehensive Home Care.** Title XX will fund nursing consultation in preparing a protective service plan for eligible clients who are to receive comprehensive home care. In addition, Title XX will fund other social service components of the comprehensive plan. Title XIX covers many medical services in the comprehensive care plan for current recipients of financial assistance or Medical Assistance Only recipients (MAO).

(2) **Early and Periodic Screening, Diagnosis, and Treatment.** Title XX social service workers will make referrals to Title XIX providers of medical screening, diagnosis, and treatment, and dental treatment for Title XIX eligibles.

(3) **Family Planning.** Title XX social service workers will provide outreach counseling and follow-up and will make referrals to Title XIX and Title XX family planning providers for eligible clients.

(4) **Children in DPW foster care** may be eligible for Title XIX medical benefits. The social service worker is responsible for identifying and processing information to obtain medical coverage for those children eligible.

In addition to the programs covered by the Social Security Act, Title XX will coordinate with and have impact on other DPW administered programs such as the Food Stamp Program, Texas Disaster Relief Program, Refugee and Repatriate Programs, and Child Care Licensing Services.

To ensure maximum feasible utilization of Title XX services to meet the needs of the low-income population, the department will provide information to the public in the following ways:

(1) prepare and distribute bilingual public information materials regarding DPW services, such as media presentations, pamphlets and brochures, etc.;

(2) prepare and distribute a bilingual announcement of social services with the AFDC warrants to all

new recipients of AFDC. In addition, staffers announcing new programs will be distributed to AFDC, SSI, and MAO recipients. Special bilingual messages regarding agency services will be transmitted to recipients on the Explanation of Benefits.

The Texas Legislature meets biennially, in the spring of each odd-numbered year, to consider the needs of the state. A major task is the development of a two-year state budget. To facilitate this process, each state agency submits an appropriations request to the legislature in January, the first month of the legislative session. The department, using the zero-based budgeting process, began work on its appropriations request for the 1976-1977 biennium in the spring of 1974, for submission to the legislature in January of 1975. The final appropriations bill for DPW was passed by the legislature in June, 1975. This bill contained the total allocation of state funds which DPW could use in providing social services during both the 1976 and 1977 fiscal years.

The United State Congress enacted Public Law 93-647, Social Service Amendments of 1974 (Title XX), on January 4, 1975. This action occurred after DPW had completed its biennial appropriations request. The Comprehensive Annual Services Program Plan (CASPP) for Fiscal Year 1977, therefore, largely reflects the appropriations of the Texas Legislature based on the fiscal and service planning which took place prior to the enactment of Title XX. Changes in the plan will generally be minimal for FY 1977 because of the limitations imposed by a two-year budget.

Since the development of the first Title XX CASPP in 1975, DPW has taken steps to develop a planning process that (1) relies heavily on input from regional staff, (2) provides for meaningful citizen involvement, and (3) is integrated with both the biennial and annual budgeting processes. This planning system is being designed so that DPW will be more accountable to the public.

Special efforts have been made to inform the public about DPW planning and budgeting processes. Over 35 public meetings were held across the state during April and May, 1976, to explain the DPW social services program and the annual and biennial budgeting cycle and to hear from communities their needs and priorities for services. To a larger extent, this input will be used as revisions are made in the Legislative Appropriations Request (LAR) for the 1978 and 1979 fiscal years, and in future program and policy development.

Continuing efforts have also been made to coordinate Title XX planning with other state, regional, and local planning agencies. Through both formal and informal mechanisms, planning activities have been coordinated at both the regional and state office levels with agencies such as area councils of government, the Texas

Department of Community Affairs, Texas United Community Services, the Governor's Committee on Aging, the Texas Employment Commission, the Department of Health Resources, the Texas Department of Mental Health and Mental Retardation, the Texas Rehabilitation Commission, community action agencies, interest groups, and community agencies. Beginnings have been made for planning with local governmental entities (cities and counties) for the provision of social services.

A major portion of the needs assessment which was used in the development of both the first and second Title XX CASPP was a product of the zero-based budgeting process. Zero-based budgeting requires the establishment and documentation of levels of need for each proposed service and program area. Data used to substantiate each need level were derived from a variety of sources, including census data, health department records, and reports and statistics developed by DPW, the Bureau of Labor Statistics, the Early Childhood Development Division of the Texas Department of Community Affairs, the task force on Comprehensive Services for School-Age Parents, and other secondary data sources. The information was used to define the amount of resources needed to provide varying levels of services to particular client groups. This process and documentation was the basis of DPW's Legislative Appropriation Request for Fiscal Years 1976 and 1977, which was completed in 1974.

In addition to the efforts to assess the needs for the Legislative Appropriation Request, certain other assessment processes have affected the planning for the 1977 CASPP. In the spring of 1975, five advisory groups, including many public and private community groups, agencies and DPW staff, met to discuss Title XX planning. Expressions of service needs by these groups were used in the 1976 CASPP and have been compared by program managers against service experiences in FY 1976.

In October, 1975, DPW began a planning process leading to the preparation of a Legislative Appropriation Request for Fiscal Years 1978 and 1979. The first step in this process was a needs assessment conducted at the state office and regional levels. In December, 1975, considerable secondary data were gathered from DPW regional staff and records with limited primary data were collected from community groups and provider agencies. On a statewide basis, secondary data were gathered from census information, statewide agencies, the governor's office, and the DPW Social Services Reporting System. Input was received from the series of public meetings held in the spring of 1976. Although this process was primarily geared toward planning the 1978-79, much of the information gathered has been applicable to 1977 planning efforts. Since the CASPP

for 1977 and the Legislature Appropriation Request for the next biennium were being prepared almost concurrently, attempts have been made to use 1977 as a year of transition in structure and delivery of services between the current appropriation and the coming biennium.

The Program Evaluation and Review Division (PERD) is responsible for designing and conducting evaluations of the social services delivery system of DPW as administered by the Social Services Branch. The purpose of these evaluations is to assess the effectiveness and impact of services and generally service as a management tool for planning and managing social services programs. This division has conducted evaluations in all major Title XX social service program areas. In addition to on-site evaluations, it has completed comprehensive statewide mailout surveys in the areas of Alternate Care for the Aged, Blind, and Disabled, and AFDC Family Services.

Contracts with Mental Health and Mental Retardation (MH/MR) community centers are being evaluated by the State Contracts Division. The evaluation will determine compliance with the contract and provide limited assessment of impact. Evaluation reports are distributed to the contracting agency and to social services administrative staff in the regions and in the state office.

The Child Abuse and Neglect Resources Demonstration Project (CANRED) is evaluating specified components of current DPW case identification services, specifically, the Child Abuse and Neglect Reporting Inquiry System (CANRIS) and the child abuse public information campaign.

In addition to the DPW management reports and the reports submitted to HEW, the department prepares an annual narrative report at the end of each state fiscal year. The narrative report is distributed to the governor, the state legislature, schools of social work, the state archives, the Texas congressional delegation, and other Texas state, public, and private non-profit agencies. The narrative report is also made available to the public for a nominal charge. The department also prepares for the state comptroller an annual statistical report delineating program expenditures.

Public Law 93-674 and the federal regulations require that the proposed Comprehensive Annual Services Program plan be published and made available to the public 90 days before the beginning of the state's program year. The program year will begin October 1, 1976.

A description of the proposed services plan was published as a display advertisement in 36 daily newspapers and one weekly newspaper in 22 major cities lo-

cated in all DPW regions. Spanish language coverage was achieved in the Spanish language sections of seven daily papers and one weekly newspaper. The advertisement appeared in the newspapers on July 1, 1976. In addition, one-minute radio announcements will be broadcasted daily on 35 radio stations in 25 cities beginning July 5 and running through July 10. These radio spots will carry information similar to that contained in the newspaper advertisement.

During the entire period of public comment, a DPW office in each county will receive calls concerning the state's services plan. In those counties that do not have a DPW office, the county judge will receive calls. The addresses and phone numbers for these offices were listed in the display advertisement published in newspapers across the state on July 1, 1976.

The following contains the definitions of the services which are proposed for the 1977 Title XX program year:

(a) Protective Services for Abused and Neglected Children.

(1) Protective Services to Children. Receiving, investigating, and evaluating reports of children in need of protection-- abused and neglected children, truants, runaways, juvenile-age children in need of supervision, and unmarried or school-age parents. Services include arranging to help child and family from community and family resources to insure protection; counseling the child and family to remedy or prevent the need for protective services, or to return children to their families; removal of child by court order from his home for protection; carrying protective managing conservatorship when assigned by the court; completion of social studies for the court. Services may also include necessary support services such as transportation, information and referral, and integral but subordinate medical, remedial, room, and board services.

(2) Foster Care Services for Children. Services include diagnosis and counseling to prepare a child for placement and to maintain him or her in foster care; arranging for the provision of appropriate services through recruitment and study of foster care homes, or by locating and securing a suitable foster care home or facility; placement of the child; supervision and evaluation of the care he or she is given; counseling and arranging for training courses for the parents, caretaker, or relative to improve home conditions and enable the child to return to his family, caretaker, or relative as soon as possible; the provision of special services by foster parents; and arranging for other needed services available in the community for the child in foster care. Supportive services such as information and referral, transportation, and subordinate medical or remedial services may also be included.

(3) Adoption Services. Services to a child under the managing conservatorship of the department, in-

cluding diagnosis and counseling to prepare the child for adoption and to maintain the adopted child; arranging for needed services through recruitment and study of adoptive homes or securing adoptive home services; placement of the child; counseling and arranging for training courses for the caretaker of the child; post-placement services; arranging for other services available in the community. Services may include supportive services such as information and referral, transportation, and integral but subordinate medical or remedial services.

(4) Emergency Homemaker Services. Protective services to children by a homemaker to prevent removal from their homes during an emergency situation (such as the absence, illness, or incapacity of a parent or caretaker). Services are to remedy or prevent abuse and neglect, to help improve family or parental functioning, or to provide temporary child care until a parent or family member can resume care of the children. Services may include support services such as information and referral, transportation, and integral but subordinate medical, remedial, and board services.

(5) Emergency Shelter. Emergency Shelter Care Services are 24-hour, seven days a week protective placement and care to children whose needs are immediate, or who need emergency shelter until non-emergency care can be effected. Children served are abused or neglected, or would be without emergency shelter care, or would become the responsibility of the department for protection. Services may also include support services such as information and referral, transportation, and integral but subordinate medical or remedial care.

(6) Community Treatment Services. This service is provided by contract to children and families who are receiving protective services from the department because of child abuse or neglect, as well as unmarried or school-age parents. Services may include outreach; diagnosis and evaluation of psychological disabilities; individual, family, or group counseling; tutorial assistance to children; therapeutic camping; other activities designed to treat emotional or behavioral disorders; instruction of parents and foster parents in parenting and child rearing; therapy to assist parents and children in adjusting to new living arrangements if the child is removed from his own home; consultation with the DPW protective service staff and foster parents regarding results of testing and treatment; follow-up; and assistance in obtaining other services. Services may also include needed support services such as information and referral, transportation, and integral but subordinate medical, remedial, room, and board services.

(7) Transitional Services for Juvenile-Age Youth. This service is offered on a pilot project basis with public or private agencies. It is intended to assist juvenile-age youth (truants, runaways, and children

need of supervision) in the transition from an institution to the community; to prevent or reduce institutionalization of such children; to enable such children to remain in the community; and to coordinate services available to the youth in the community. Services may include outreach; intake; diagnosis; emergency shelter; parole and probation supervision; alternate care and aftercare; halfway house, wilderness camp, and residential living experiences; family, group, and individual counseling and therapy; parent training; recreational therapy; remedial tutoring; consultation services; and other appropriate services and follow-up. Services may include needed support services such as transportation, information and referral, and integral but subordinate medical, remedial, room and/or board services.

(8) **Services for Unmarried and School-Age Parents.** Services include outreach; individual, family, and group counseling; family life education; parenting training; home management training; planning for child care; remedial tutoring; follow-up and needed support services such as transportation, integral but subordinate room and/or board, medical, or remedial care, and information or referral services.

(b) **Family Life and Health Services.**

(1) **Family Planning Services.** Social, educational, and medical services to enable persons of childbearing age (including sexually active minors) voluntarily to limit their family size or to space their children. Services may include support services such as transportation, information, and referral (without regard to income), outreach, and follow-up.

(2) **Emergency Family Services.** Services for families and persons with low incomes who have problems in household management; securing adequate housing; nutrition; child rearing; family relationships; community relationships; and obtaining needed health care. Services include individual, family, and group counseling; crisis intervention; housing assistance; helping families find better housing; training in home management, parenting, nutrition, family relationships, and consumer awareness; helping individuals and families assess their health needs; securing needed health and dental services; securing admission to hospitals and clinics; and planning with individuals, families, and health providers to assure continued treatment and the carrying out of health recommendations. Services may include support services such as transportation, information, and referral (without regard to income), and needed integral but subordinate medical or remedial services.

(c) **Child Development. Day Care Service.** Care and supervision of children of low-income parents while they work or are in training; children in danger of abuse or neglect; children in need of developmental opportunities; or children who may be unnecessarily in institutions.

Day care to prevent abuse and neglect is provided without regard to income if the child is reported under the Family Code and such care is included in the child's treatment plan. Care may be provided outside the child's home, in a day home or day care center which complies with state and federal licensing requirements, or in the child's own home.

(d) **Rehabilitative Services Program.**

(1) **Social Rehabilitation Services.** These services are designed to improve an individual's personal functioning; assist in obtaining other rehabilitation services; identify special needs and service resources. This includes personal and family counseling; social assessment; insuring the adequate delivery of other services; assistance in making day care arrangements; alternate living arrangements; instruction in basic living and self-care skills; emergency services to disabled and blind persons in distress; and follow-up services. Services may also include support services such as subordinate room, board, medical, and remedial services, and information and referral (without regard to income).

(2) **Diagnostic and Evaluation Services.** These services are provided through an interagency agreement with the Texas Rehabilitation Commission. Services include medical, psychological, psychiatric, and vocational evaluations regarding the nature and severity of a person's disability, potential for rehabilitation, type of service needed, and work potential. Services may also include support services such as transportation and integral but subordinate room, board, medical, and remedial services.

(3) **Vocational Training Services.** Provided through an interagency agreement with the Texas Rehabilitation Commission, these services are designed to enable a person to develop, acquire, or improve job skills. Services include prevocational training; on-the-job training; vocational skills training; university or college training; sheltered workshop training; basic skills training; personal and social adjustment. Services may also include support services such as information and referral (without regard to income) and integral but subordinate room and board services.

(4) **Vocational Rehabilitation Services.** These services are provided through an interagency agreement with the Texas Rehabilitation Commission. Services include counseling and guidance; job development and placement; individual and group therapy. Services are delivered in the office and in the person's home. Services may also include support services such as information and referral (without regard to income).

(5) **Rehabilitation Support Services.** These services are provided through an interagency agreement with the Texas Rehabilitation Commission. Services are designed to enable a person to participate in vocational training, social rehabilitation services, and other rehabilitation services. These services include

transportation; assistance in overcoming personal mobility problems; the provision of tools, licenses, equipment, uniforms, and training-related materials; insurance of delivery and coordination of necessary services; recreational therapy; interpreter services; information and referral (without regard to income).

(e) **Alternate Care and Social Services to Aged, Blind, and Disabled.**

(1) **Protective Services to Adults.** Include identifying adults who need assistance or who have no one to assist them; providing prompt response and investigation when requested by adults at risk or by others in their behalf; diagnosing the person's situation and service needs; counseling them, their families, and other responsible persons, such as representative payees, on handling the person's affairs; arranging for alternate living in the community or in an institution; assisting in the location of medical care and other resources in the community; arranging for guardianship, commitment, or other protective placement; and, on a pilot project basis, providing legal services. Services may include support services (transportation, information and referral, etc.) and integral but subordinate medical, remedial, room, and board services.

(2) **Chore Services.** Performance of ordinary household tasks, essential shopping, meal preparation, simple household repairs (not to exceed \$200 per home per year), and other home maintenance tasks which permit a client to remain at home. Services may include support services such as transportation, information and referral (without regard to income), and integral but subordinate medical and remedial services.

(3) **Family Care Services.** Services provided by a family member or a person having the capacity for a family-like relationship with the client (e.g., neighbor or friend). Services are for the person who, because of advanced age or physical or mental infirmity, cannot care for his or her own needs. Family care services consist of activities such as performance of household tasks; provision of personal care; companionship; and protective supervision. Services may include support services such as transportation, information and referral (without regard to income), and integral but subordinate medical and remedial services.

(4) **Homemaker Services.** Care of an individual in his or her own home to help maintain, strengthen, and safeguard functioning in the home through the services of a trained and supervised homemaker. The homemaker provides personal care and performs related household tasks. Services may include support services such as transportation, information and referral (without regard to income), and integral but subordinate medical and remedial services.

(5) **Day Activity.** Personal care during the day for adults in a protective setting approved by the department. Services may include support services

such as transportation, information and referral (without regard to income), and integral but subordinate medical, remedial, and board services.

(6) **Home Delivered Meals or Congregate Meals.** Provision of one or more hot meals in a group setting or preparing and delivering hot meals on a scheduled basis to the homes of persons unable to obtain or prepare nourishing meals. Services may include support services such as transportation, information and referral (without regard to income), and integral but subordinate board services.

(7) **Special Services Provided by Foster Homes.** Services to adults living in foster homes, in addition to basic foster care, include identification of services to meet special physical or mental needs; emotional or behavioral problems; arranging for services available in the community; and helping adults keep in contact with their families and communities. Services may also include support services such as transportation, information and referral (without regard to income), and integral but subordinate medical and remedial services.

(8) **Home Management.** Instruction and training for aged, blind, and disabled adults and their families in the management of household budgets, care of the home, preparation of food, nutrition, consumer education, and health. Services may include support services such as transportation, information and referral (without regard to income), and needed integral but subordinate medical or remedial services.

(9) **Health-Related Services.** Helping aged, blind, or disabled adults and their families assess health needs and resources and make plans for care; identifying and obtaining health and dental services; getting admission to medical institutions and health-related facilities; planning with the person and providers to assure continuity of treatment and the carrying out of health recommendations; providing housing improvement services to individuals and families when housing is a health problem; helping clients find suitable housing and informing them of grievance procedures regarding home conditions; serving as a resource for clients when complaints are not satisfactorily addressed. Services may include support services such as transportation, information and referral (without regard to income), and integral but subordinate medical, room, and board services.

(10) **Alternative Living Plan.** Provide alternative living arrangements in the community that will reduce, delay, or prevent institutionalization. Alternate living arrangement may include training and support services to the person that will help maintain and develop his or her social and economic self-sufficiency.

(f) **Services Provided through Interagency Agreements (State Contracts).**

(1) **Transitional Services for Delinquent, Dependent, and Neglected Children.** This service is offered by

interagency agreements with the Texas Youth Council and the Texas Department of Community Affairs. It is intended to assist delinquent, dependent, and neglected children in the transition from an institution to the community, and to prevent or reduce institutionalization of such children. Activities may include intake; diagnosis; counseling and therapy; emergency shelter; parole supervision; probation supervision; alternate care and aftercare; halfway house and residential living experiences; and follow-up. Services may also include support services such as transportation, information and referral (without regard to income), and integral but subordinate medical, remedial, room, and board services.

(2) **Outreach Services.** This service is provided by interagency agreement with the Texas Department of Mental Health and Mental Retardation to the mentally ill or emotionally disturbed, mentally retarded, alcoholics, or drug addicts. The service may include casefinding; intake; diagnosis and evaluation; individual, family, group, and collateral counseling; treatment, therapy, and training; follow-up; aftercare and alternate care; sheltered work activities; day activities; and social adjustment activities. Services may also include support services such as transportation, information and referral (without regard to income), and integral but subordinate medical, remedial, room, and board services.

(3) **Community Services.** Provided by contract and interagency agreement with the Texas Department of Mental Health and Mental Retardation through MH/MR Community Centers primarily to the mentally ill or emotionally disturbed, mentally retarded, alcoholics, or drug addicts. Such services may include outreach; intake; diagnosis and evaluation; individual, family, group, and collateral counseling; treatment, therapy, and training for mental retardation, drug abuse, alcoholism, marital problems, child-parent relationships, and other adjustment difficulties; follow-up; aftercare; and assistance in obtaining other services. Services may also include support services such as transportation, information and referral (without regard to income), and integral but subordinate medical, remedial, room, and board services.

(4) **Crisis Service.** This service is provided by interagency agreement with the Texas Department of Mental Health and Mental Retardation through MH/MR community centers primarily to the mentally ill or emotionally disturbed, mentally retarded, alcoholics, or drug addicts. Services may include immediate evaluation, counseling, care, and information and referral for persons in crisis, usually 24 hours a day, seven days a week. Services may also include support services such as transportation, information and referral (without regard to income), and integral but subordinate medical, remedial, room, and board services.

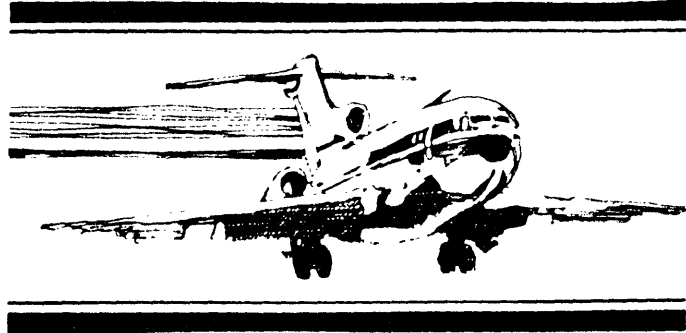
(5) **Day Activity and Training Service.** This service is provided by interagency agreement with the Texas Department of Mental Health and Mental Retardation through MH/MR community centers to the mentally ill or emotionally disturbed, mentally retarded, alcoholics, or drug addicts. Such service may include activities, training, and care given for a portion of the day (less than 24 hours) in a protected setting for purposes of personal care and to promote social, physical, and emotional well-being through companionship, self-education, and other activities. This may include teaching perceptual-motor coordination; social/personal skills; socialization activities; training in daily living skills; and occupational therapy. Services may also include support services such as transportation, information and referral (without regard to income), and integral but subordinate medical, remedial, and board services.

(6) **Halfway House Services.** These services are provided by interagency agreement with the Texas Department of Mental Health and Mental Retardation through MH/MR community centers to the mentally ill or emotionally disturbed, mentally retarded, alcoholics, or drug addicts, or persons in need of vocational rehabilitation. Provides transitional, supervised activities for persons moving to the community from an institution. Services may also include support services such as transportation, information and referral (without regard to income), and integral but subordinate medical, remedial, room, and board services.

(7) **Sheltered Employment.** This service is offered by interagency agreement with the Texas Department of Mental Health and Mental Retardation through MH/MR community centers primarily to the mentally ill or emotionally disturbed, mentally retarded, alcoholics, or drug addicts. Services may include work or vocational evaluation, social and personal adjustment training, vocational skill training, and extended sheltered employment or terminal work adjustment. Services may also include support services such as transportation, information and referral (without regard to income), and integral but subordinate medical, remedial, and board services.

(8) **Socialization Service.** This is provided by interagency agreement with the Texas Department of Mental Health and Mental Retardation through MH/MR community centers to the mentally ill or emotionally disturbed, mentally retarded, alcoholics, or drug addicts. Such service uses group activities and may include supervised physical exercise. It helps clients develop capacities for more adequate social and personal functioning to relieve social isolation, and to develop friendships and mutual aid. Services may also include support services such as transportation, information and referral (without regard to income), and integral but subordinate medical, remedial, and board services.

(9) Twenty-four Hour Care. This service is provided by interagency agreement with the Texas Department of Mental Health and Mental Retardation through MH/MR community centers to the mentally ill or emotionally disturbed, mentally retarded, alcoholics, or drug addicts. May include certain services provided in residential living programs. Services may also include support services such as transportation, information and referral (without regard to income), and integral but subordinate medical, remedial, room, and board services.



STATEWIDE SUMMARY OF EXPENDITURES AND RESOURCES FOR PROPOSED PROGRAM YEAR

Direct Delivery	\$ 60,157,829
Purchase of Service	115,157,602
General Administrative Overhead.	12,361,849
TOTAL	\$187,677,280

COMPARISON BETWEEN STATEWIDE EXPENDITURES AND RESOURCES FOR PREVIOUS YEAR AND ESTIMATE FOR PROGRAM YEARS 1976 AND 1977

	Preceding Program Year (Actual)	Current Program Year (Estimated)	Proposed Program Year (Estimated)
Federal	\$139,854,750	\$140,500,000	\$142,500,000
Non-Federal	44,650,197	44,213,983	45,177,280
Total	\$184,504,947	\$184,713,983	\$187,677,280

RESOURCES FOR PROGRAM YEAR 1977

Federally Shared	Federal	\$142,500,000
	State	33,291,898
	Local/Donated Funds	5,336,191
	Certified Public Expenditures	6,549,191
	TOTAL	\$187,677,280

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 345, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701. The comment period will end on August 16, 1976.

A public hearing to consider this proposed rule is scheduled for 9 a.m. on July 20, 1976, in Room 411 of the John H. Reagan Building, 15th and Congress, Austin. Persons or groups wishing to make oral comments or public recommendations may do so at the hearing.

Because of the length of this rule, the text of the Title XX Comprehensive Annual Services Program Plan will not be published in the *Register*. The rule may be examined at the office of the *Texas Register*, Suite 550, Texas Commodore Building, 8th and Brazos Streets, Austin, during normal working hours. Copies of the CASPP may be obtained for \$1 from Susan Johnson, Systems and Procedures Bureau, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, telephone (512) 475-4601. Please send cash, money order, or cashier's check (no personal checks). A detailed summary of the CASPP is available upon request at no cost.

This rule is promulgated under the authority of Article 695a-3, Texas Civil Statutes.

.003. *Title XX Comprehensive Annual Services Program Plan*. The Department of Public Welfare adopts by reference the Title XX Comprehensive Annual Program Plan for Texas for the services program year October 1, 1976 [1975], to September 30, 1977 [1976].

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

Doc No 763459 Raymond C. Vowell
 Commissioner
 State Department of Public
 Welfare

Proposed Date of Adoption 45-80 days after publication

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

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

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

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

Comptroller of Public Accounts

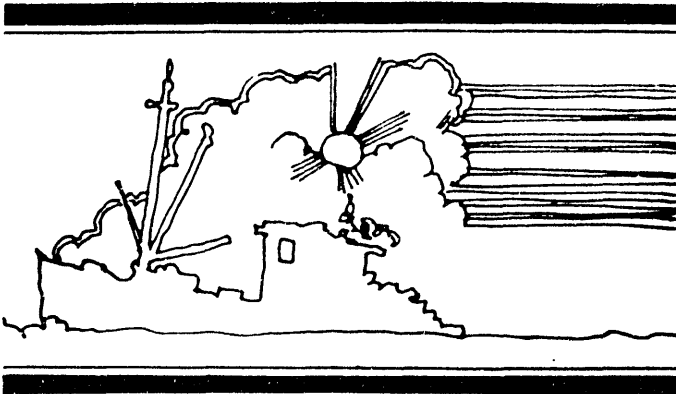
Tax Administration

Business Tax Division--Franchise Tax 026.02.12.

The Comptroller of Public Accounts has withdrawn Proposed Rule 026.02.12.020, *Quarterly Franchise Tax Payments*. The proposed rule was published in the April 13, 1976, issue of the *Texas Register* (Volume 1, Number 29).

Filed June 25, 1976, 8:36 a.m.

Doc. No. 763461



Texas Health Facilities Commission

HSA Certificate of Need Review

Purpose 315.08.01

This rule is adopted under the provisions of Section C, Article 4418(h), Vernon's Annotated Civil Statutes.

.001. *Statutory Requirement.* Section 3.08, Article 4418(h), Vernon's Annotated Civil Statutes, provides for application review by the Texas Health Facilities Commission (the commission) after an opportunity for written comments by a health systems agency (HSA) not later than the 45th day after the application for a certificate of need is dated by the chairman. Further, the act provides that such HSA review, if any, be conducted in accord with rules promulgated by the Texas Health Facilities Commission. The purpose of this document is to promulgate those rules required by Section 3.08(a), (b), and (c) in accord with Section 3.10(a), (b), and (c) of the act and to provide an opportunity for written comments by a health systems agency not later than the 45th day after the dating of an application for certificate of need by the chairman.

The adoption of these rules at this time has become necessitated by the requirement in Department of Health, Education, and Welfare regulations for health systems agencies that health systems agencies adopt criteria and rules within three months from the effective date of Conditional Designation Agreement (*Federal Register*, Volume 41, Number 60, Section 122.106b2, March 26, 1976). These rules will become final in a timely manner to meet the deadline for impending HEW designations of certain health systems agencies.

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

Doc. No. 763414 **Melvin Rowland**
Chairman
Texas Health Facilities
Commission

Effective Date July 13, 1976

For further information, please call (512) 475-6940.

Health Systems Agency Rules of Review 315.08.02

This rule is adopted under the provisions of Section C, Article 4418(h), Vernon's Annotated Civil Statutes.

.001. Definitions.

(a) "Act" means House Bill 2164 (Article 4418(h), Vernon's Annotated Civil Statutes) and the rules and regulations promulgated under the act.

(b) "Applicant" means any person who makes application for a certificate of need to the commission pursuant to the act.

(c) "Application for a certificate of need" means a written request for consideration for a certificate of need by the commission pursuant to the act.

(d) "Certificate of need" means a written order of the commission setting forth the commission's affirmative finding that a proposed project sufficiently satisfies the criteria prescribed for such projects by the act and by rule of the commission.

(e) "Commission" means the Texas Health Facilities Commission.

(f) "Computation of time" means that in computing any period of time prescribed or allowed by these rules, the period shall begin on the day after the event in question and conclude on the last day of such computed period.

(g) "Department" means the Texas Department of Health Resources.

(h) "Development" means those activities, other than planning or predevelopment activities, as determined by rule of the commission, which on their completion result in the consummation of a project or a significant financial commitment toward the consummation of a project, and includes the adoption of ordinances, orders, or resolutions authorizing the issuance of bonds.

(i) "Federal law" includes the National Health Planning and Resources Development Act of 1974 (42 United States Codes 300K), and 42 United States Code 401 *et al.*, 42 United States Code 246, 42 United States Code 299 *et al.*, 42 United States Code 291 *et al.*, and 42 United States Code 266 *et al.*, and the federal rules and regulations promulgated under those acts, and other pertinent federal authority.

(j) "Hearing" means a public review of an application for a certificate of need where parties may present evidence for or against said application for purposes of review and recommendation by an HSA.

(k) "Meeting" means a business meeting open to the public for a deliberative examination by the governing body, the Executive Committee, or a designated review committee composed of at least 25 percent of the governing body membership of an HSA for the purpose of making a recommendation on an application for a certificate of need or other matters requiring such meeting.

(l) "Party" or "formal party" means any person who by formal intervention or action as determined by rule of the commission participates in the review of a specific application for a certificate of need.

(m) "Person" means an individual, sole proprietorship, charity, trust, estate, institution, group, association, firm, joint venture, partnership, joint stock company, cooperative, corporation, the state or a political subdivision or instrumentality of the state, the federal government or a political subdivision or instrumentality of the federal government, any receiver, trustee, assignee, or other similar representative or any other legal entity.

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

Doc No 763415

Melvin Rowland
Chairman
Texas Health Facilities
Commission

Effective Date July 13, 1976

For further information, please call (512) 475-6940

Application Review by Health Systems Agencies 315.08.03

These rules are adopted under the provisions of Article 4418(h), Section C, Vernon's Annotated Civil Statutes.

.001. Scope of Review. A health systems agency may review an application for a certificate of need transmitted to it and may provide written comments to the commission and to the applicant not later than the 45th day after the day the application is dated.

.002. Beginning of Review. Upon receipt from the Texas Health Facilities Commission of a copy of an application for a certificate of need, the HSA shall determine whether to conduct a review. The HSA shall, within five days of receipt of an application for a certificate of need, give written notification of its intention to the applicant, the Texas Health Facilities Commission, and other persons, as provided by law.

.003. Schedule for the Review. Upon deciding to conduct a review, the health systems agency shall include a schedule for the review in its written notification of its intention to review, and the HSA shall send by certified mail a schedule for the review to the applicant, the Texas Health Facilities Commission, and any contiguous HSA proposed to be served by the project.

The schedule for the review shall include at least:

(1) a description of the proposed project including its location;

(2) the manner in which reasonable notice of the schedule for the review will be provided to the public;

(3) the date by which any person must file with the Texas Health Facilities Commission a request to become a party;

(4) a proposed hearing time, date, and location; and

(5) the date, time, and location of the public meeting at which the governing body (or by designation, the Executive Committee or designated review committee consisting of at least 25 percent of the governing body membership) intends to make a recommendation on the proposed project.

.004. Hearings.

(a) Necessity of a hearing. A public hearing must be held if timely requested by the applicant or any other party to the application.

(b) Location of public hearing. Hearings must be open to the public and held at accessible locations within the health systems area.

(c) Presiding officers at a hearing. Hearings must be conducted by not less than three members of the governing body. These members shall:

(1) keep and maintain a complete record of the hearing;

(2) ensure that all testimony is given under oath;

(3) afford each party the opportunity to cross-examine all evidence, including staff reports or memoranda bearing upon the project; and

(4) prepare a proposed written recommendation which shall contain specific proposed findings of fact drawn from facts presented on said application for a certificate of need and which shall be presented to the governing body (or if designated the Executive Committee or a review committee composed of at least 25 percent of the governing body membership).

.005. Recommendation of the Health Systems Agency to the Texas Health Facilities Commission.

(a) Entering a recommendation. A recommendation must be in writing and shall be entered in a meeting of the governing body (or if designated, the Executive Committee or a review committee composed of at least 25 percent of the governing body membership).

(b) Contents of a recommendation. The recommendation must include:

(1) the recommendation to approve or disapprove the proposed project;

(2) findings drawn from facts presented on said application for a certificate of need which support the governing body's recommendation to approve or disapprove the proposed project. (A finding of fact shall not be supported by: (a) unsworn facts, (b) facts beyond the personal knowledge of the person testifying, or facts upon which a reasonable person would not rely in the conduct of his affairs, and (c) facts which have not been available to the applicant or any other party for cross-examination.)

(3) a statement of the evidence received or considered;

(4) a statement of matters officially noticed (i.e. the State Health Plan);

(5) objections and rulings thereon;

(6) staff memoranda submitted or considered; and

(7) the proposed written recommendation of the governing body members who have conducted any hearing on the proposed project.

.006. Submission of a Health Systems Agency Recommendation to the Texas Health Facilities Commission.

To be considered by the commission a recommendation of a health systems agency must be received at the office of the Texas Health Facilities Commission in Austin, Texas, on or before 5 p.m. on the 45th day after the day the application for a certificate of need is dated by the chairman.

.007. Data. The health systems agency will consider and take official notice of any commission form data provided to it regarding a specific project.

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

Doc No 763416 Melvin Rowland
Chairman
Texas Health Facilities
Commission

Effective Date July 13, 1976

For further information, please call (512) 475-6940.



Criteria 315.08.04

This rule is adopted under the provisions of Section C, Article 4418(h), Vernon's Annotated Civil Statutes.

.001. Incorporation of Commission Criteria. The Texas Health Planning and Development Act (Article 4418(h), Vernon's Annotated Civil Statutes) provides that the review of proposed projects covered by this act for determination of certificate of need be conducted pursuant to criteria established in the act and through commission rule (Section 3.10(a), (b), and (c), Article 4418(h)).

Review by an HSA of a transmitted application for a certificate of need shall utilize criteria delineated in Section 3.10, Article 4418(h) and in commission rules.

Any amendment(s) to or changes otherwise effected by state legislative or commission action to said criteria must be incorporated by each HSA through amendment or other action.

.002. Provision for Supplementary HSA Criteria. Criteria, beyond those required by Article 4418(h), Vernon's Annotated Civil Statutes and commission rules, may be promulgated and adopted for use by an HSA in the review of transmitted applications for certificate of need. The formulation and application of additional criteria shall be consistent with criteria in the act and in commission rules. Further, these additional criteria shall not be inconsistent with fair and objective application reviews by the HSA and as provided for in Article 4418(h), Vernon's Annotated Civil Statutes, and shall not be adopted without prior approval of the Texas Health Facilities Commission.

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

Doc No 763417 Melvin Rowland
Chairman
Texas Health Facilities
Commission

Effective Date July 13, 1976

For further information, please call (512) 475-6940.

1790 OPEN MEETINGS

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



Texas Board of Corrections

Meeting

A meeting of the Texas Board of Corrections will be held on Monday, July 12, 1976, 8 a.m., at the Statler Hilton Hotel, 1914 Commerce, Dallas, to discuss inmate affairs; personnel; business and budget; legislation; agriculture; construction; industries; the Division of Research and Development; miscellaneous items; and the Windham School District. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from W. J. Estelle, Jr., P.O. Box 99, Huntsville, Texas 77340, telephone (713) 295-6371.

Filed: June 28, 1976, 9:55 a.m.
Doc No 763483

Joint Advisory Committee on Government Operations

Meeting

A meeting of the Education Subcommittee of the Joint Advisory Committee on Government Operations will be held on Thursday, July 8, 1976, 4:30 p.m., in Room 207-A, State Capitol, Austin, to approve the initial report of the subcommittee.

Additional information may be obtained from J. B. Pace, Room 207-A, State Capitol, Austin, Texas 78711, telephone (512) 475-3426.

Filed: June 25, 1976, 10:07 a.m.
Doc No 763458

Texas Department of Health Resources

Emergency Amendment to Agenda

An emergency amendment was made to the agenda of a meeting of the Texas Board of Health Resources held Friday, June 25, 1976, 9:30 a.m., in the board room, 1100 West 49th Street, Austin.

The amendment was made to change item 11 on agenda to read, "Chest Hospitals Appropriation Transfers and Purchases." "Purchases" was not on original notice because the chest hospital did not realize that two purchases of \$50,000 or more each had to be approved by the board. Since these two purchases had to be approved at this board meeting, it was necessary to list them on the agenda as emergency additions.

Additional information may be obtained from Raymond T. Moore, M.D., 1100 West 49th Street, Austin, Texas 78756, telephone (512) 454-3781, extension 200.

Filed: June 24, 1976, 3:35 p.m.
Doc No 763431

Meeting

A meeting of the Title XIX Adult Denture Program Advisory and Review Committee of the Texas Department of Health Resources will be held on Sunday, July 11, 1976, 9:30 a.m., in the board room, 1100 West 49th Street, Austin. The agenda includes the Department of

Public Welfare's proposed manuals for Fiscal Year 1977; a report on monies encumbered and paid by Glenn Rust; and a report on the proposed expansion of the denture program.

Additional information may be obtained from Oliver J. Knoll, D.D.S., 1100 West 49th Street, Austin, Texas 78756, telephone (512) 454-3781, extension 587.

Filed June 24, 1976, 3:30 p.m.

Doc. No. 763432

Hearings

The following hearings by the Environmental Engineering Division of the Texas Department of Health Resources will be held in the Commission Room, City Hall, 300 West Cotton, Longview, to consider applications to locate solid waste disposal sites. The hearing scheduled for Thursday, July 22, 1976, will be conducted in Palestine. Listed are the hearing dates and times, the applicants, and the site locations.

Tuesday, July 20, 1976

9 a.m.-- (No. 250) Marion County, applying for a site 18 miles east of Jefferson, one mile east of Gethsemane Community, and one-half mile north of State Highway 49 in the county.

9:30 a.m.-- (No. 356) Ambassador College, applying for a solid waste disposal site, composting plant, three miles east of the east city limits of Big Sandy, four and one-half miles west of the west city limits of Gladewater and immediately north of US Highway 80, in Upshur County.

10 a.m.-- (No. 179) the City of Kilgore, applying for a site near the city.

10:30 a.m.-- (No. 469) the City of Gladewater, applying for a site near the city.

1:30 p.m.-- the City of Carthage, Panola County, to locate a site east of the Carthage city limits.

Wednesday, July 21, 1976

9 a.m.-- (No. 829 and No. 267) the City of Longview, applying for two sites, one near the city and one between Longview and Kilgore (dual applications).

Thursday, July 22, 1976

9 a.m.-- (No. 841) the County of Anderson applying for a site near the City of Palestine.

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

Filed: June 24, 3:37 p.m.

Doc. No. 763433-34

Hearings

The Environmental Engineering Division of the Texas Department of Health Resources will conduct the following hearings to consider applications for solid waste disposal sites. Listed are the hearing dates and times, the location of the hearings; the applicants and the site locations.

Tuesday, July 20, 1976

9:30 a.m.-- County Courtroom, 2nd floor, Bell County Courthouse, Belton; (No. 266) Bell County, applying for a site near Sparks Community.

10 a.m.-- same location as above; (No. 770) Falls County, applying for a site near Cego.

Wednesday, July 21, 1976

9:30 a.m.-- Conference Room, B2 level, Dallas Public Library, 1954 Commerce Street, Dallas; (No. 799) the City of Mesquite, applying for a site near Kleberg.

10 a.m.-- same location as above; (No. 802) Ecolotex Systems, Inc., applying for a solid waste processing site at 1221 Seale Street, Dallas.

Thursday, July 22, 1976

9 a.m.-- District Courtroom, Wise County Courthouse, Decatur; (No. 438) the City of Decatur, applying for a site near the city.

9:30 a.m.-- (No. 780) Wise County, applying for a site near Decatur.

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

Filed June 24, 1976, 3:38 p.m.

Doc No 763435

Texas Advisory Commission on Intergovernmental Relations

Meeting

A meeting of the Texas Advisory Commission on Intergovernmental Relations will be held on Friday, July 9, 1976, 9 a.m., in the Emerald Room, Austin Hilton Inn, 6000 Middle Fiskville Road, Austin. The agenda includes: consideration of budget and personnel matters;

a briefing on property tax and school finance issues; a working luncheon for the review of other commission projects; and plans for the September commission meeting.

Additional information may be obtained from Katherine Bennett, Room 622, Stephen F. Austin Building, Austin, Texas 78701, telephone (512) 475-3728.

Filed June 25, 1976, 1 23 p.m.

Doc. No. 763465

Board of Law Examiners of the State of Texas

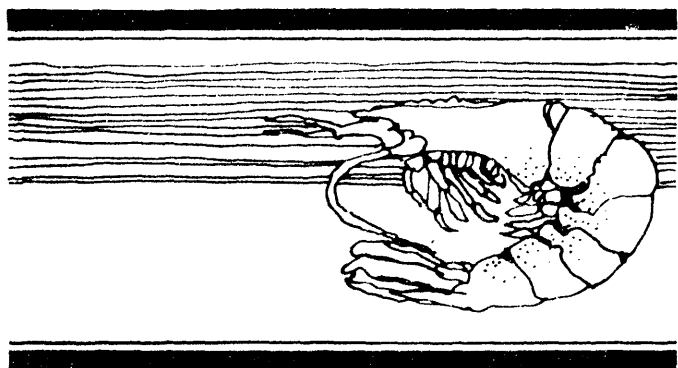
Meeting

A meeting of the Board of Law Examiners of the State of Texas will be held on Monday and Tuesday, July 26 and 27, 1976, at 8 a.m. each day, in the office of the Board of Law Examiners, Supreme Court Building, Austin, to consider and act upon various eligibility problems of applicants for permission to take the bar examination and declarants of intention to study law; to conduct public hearings on the question of applicants' and declarants' moral character and fitness in appeals from the findings of the State Bar District Committees; to consider and act upon the licensing to practice law in this state of attorneys at law immigrating or who have immigrated to this state from another state or from the District of Columbia or a territory of the United States; and to consider and act upon miscellaneous items.

Additional information may be obtained from Alta Moore, P.O. Box 12248, Austin, Texas 78711, telephone (512) 475-4235.

Filed June 28, 1976, 10 43 a.m.

Doc. No. 763485



Texas Medical Professional Liability Study Commission

Meeting

A meeting of Subcommittee V of the Texas Medical Professional Liability Study Commission will be held on Thursday, July 8, 1976, 10 a.m., in Suite 400, St. Paul Companies, 611 Ryan Plaza, Arlington, to discuss items relating to the issue of jury and nonjury damages in medical malpractice cases. Related topics include the collateral source rule and limitations of damages.

Additional information may be obtained from William Wade, G-38, State Capitol, Austin, Texas 78701, telephone (512) 475-4240.

Filed June 23, 1976, 2 43 p.m.

Doc. No. 763407

Meeting

A meeting of Subcommittee II of the Texas Medical Professional Liability Study Commission will be held on Friday, July 9, 1976, 8 a.m., in the Lieutenant Governor's Committee Room, State Capitol, Austin, to discuss and vote on its final report. The subcommittee is dealing with the impact of medical malpractice on the health care delivery system, physicians, hospitals, etc.

Additional information may be obtained from William Wade, G-38, State Capitol, Austin, Texas 78701, telephone (512) 475-4240.

Filed June 23, 1976, 2 44 p.m.

Doc. No. 763408

Meeting

A meeting of the Texas Medical Professional Liability Study Commission will be held on Friday, July 16, 1976, 10 a.m., in the Senate Chamber, State Capitol, Austin. The agenda for the meeting will be set on July 9, 1976, and will be published in the *Register* at that time.

Additional information may be obtained from William Wade, G-38, State Capitol, Austin, Texas 78711, telephone (512) 475-4240.

Filed: June 23, 1976, 2:44 p.m.

Doc. No. 763410

Meeting

A meeting of the Texas Medical Professional Liability Study Commission will be held on Saturday, July 17, 1976, 9 a.m., in the Senate Chamber, State Capitol, Austin. The agenda for the meeting will be set on July 9, 1976, and will be published in the *Register* at that time.

Additional information may be obtained from William Wade, G-38, State Capitol, Austin, Texas 78711, telephone (512) 475-4240.

Filed June 23, 1976, 2 44 p.m.
Doc No 763411

Meeting

A meeting of Subcommittee III of the Texas Medical Professional Liability Study Commission will be held on Thursday, August 5, 1976, 10 a.m., at 1200 One Main Place, Dallas, to discuss and vote on its final report. The subcommittee is considering the impact of medical malpractice on the cost and availability of liability insurance and insurance mechanisms.

Additional information may be obtained from William Wade, G-38, State Capitol, Austin, Texas 78711, telephone (512) 475-4240.

Filed June 23, 1976, 2 44 p.m.
Doc No 763409

Meeting

A meeting of the Texas Medical Professional Liability Study Commission will be held on Friday, August 13, 1976, 10 a.m., in the Senate Chamber, State Capitol, Austin. The agenda for the meeting will be set on August 6, 1976, and will be published in the *Register* at that time.

Additional information may be obtained from William Wade, G-38, State Capitol, Austin, Texas 78711, telephone (512) 475-4240.

Filed June 23, 1976, 2 45 p.m.
Doc No. 763412

Meeting

A meeting of the Texas Medical Professional Liability Study Commission will be held on Saturday, August 14, 1976, 9 a.m., in the Senate Chamber, State Capitol, Austin. The agenda for the meeting will be set on August 6, 1976, and will be published in the *Register* at that time.

Additional information may be obtained from William Wade, G-38, State Capitol, Austin, Texas 78711, telephone (512) 475-4240.

Filed June 23, 1976, 2 45 p.m.
Doc No 763413

Texas Motor Vehicle Commission

Hearing

A hearing by the Texas Motor Vehicle Commission will be held on Friday, July 23, 1976, 1:30 p.m., in Suite 914, Brown Building, 708 Colorado Street, Austin, to receive testimony and comments on proposed advertising rules.

Additional information may be obtained from Russell Harding, P.O. Box 13287, Capitol Station, Austin, Texas 78711, telephone (512) 476-3587.

Filed June 25, 1976, 2 07 p.m.
Doc No 763315

Board of Pardons and Paroles

Meeting

A meeting of the Board of Pardons and Paroles will be held Monday through Friday, July 12-16, 1976, 9 a.m. each day, at 711 Stephen F. Austin Building, Austin. The board will convene to review cases of inmates for parole consideration, to act on emergency reprieve requests and other acts of executive clemency, and to review reports regarding persons on parole.

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

Filed June 28, 1976, 9 56 a.m.
Doc No 763480

Texas Parks and Wildlife Department

Meeting

A meeting of the Fisheries Division, Environmental Branch of the Texas Parks and Wildlife Department will be held on Tuesday, July 13, 1976, 2 p.m., in the John H. Reagan Building, 15th and Congress, Austin. The application of Delta County Commissioners Court for renewal of a permit to remove gravel from the dry stream bed of the North Sulphur River, Delta County, will be considered.

Additional information may be obtained from C. E. Sharp, John H. Reagan Building, Austin, Texas 78701, telephone (512) 475-4471.

Filed: June 28, 1976, 9:55 a.m.

Doc. No. 763482

State Board of Pharmacy

Emergency Meeting

An emergency meeting of the Texas State Board of Pharmacy was held on Monday, June 28, 1976, 10 a.m., in the Driskill Room of the Driskill Hotel, 117 East 7th Street, Austin.

The board met with Assistant Attorney General Bob Gauss and Assistant Attorney General Tony Sadberry to formulate an appeal of the decision by Judge J. F. McCarthy, 116th District Court, Dallas, denying the board a permanent injunction against Page Drug Company.

Additional information may be obtained from J. H. Arnette, Suite 916, 211 East 7th Street, Austin, Texas 78701, telephone (512) 478-9827.

Filed: June 25, 1976, 3:27 p.m.

Doc. No. 763476

Texas Board of Polygraph Examiners

Meeting

A meeting of the Texas Board of Polygraph Examiners will be held Thursday through Saturday, July 22-24, 1976, 9 a.m. each day, at the Gourmet Inn, Highway 46 and IH35, New Braunfels, to administer and grade the

licensing examination, to consider applications for internships and reciprocity, to discuss the general rules of practice and procedure, to discuss complaints, and to consider other business before the board. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Henry Canty, Suite 218, 111 West Anderson Lane, Austin, Texas 78752, telephone (512) 454-3593.

Filed: June 28, 1976, 10:43 a.m.

Doc. No. 763486

Public Utility Commission of Texas

Meeting

A meeting of the Public Utility Commission of Texas will be held on Thursday, August 5, 1976, 9 a.m., in Suite 450N, 7800 Shoal Creek Boulevard, Austin. The commission will consider applications for certificates of convenience and necessity by electric utilities and cooperatives for the counties of Archer, Baylor, Clay, Forard, Hardeman, Haskell, Jack, Knox, Stonewall, Throckmorton, Young, Wichita, and Wilbarger. The complete agenda is posted in the East Wing of the State Capitol.

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

Filed: June 24, 1976, 2:44 p.m.

Doc. No. 763430

Railroad Commission of Texas

Meeting Rescheduled

A meeting of the Oil and Gas Division of the Railroad Commission of Texas, originally scheduled for Monday, June 28, 1976, has been rescheduled for July 12, 1976, 9 a.m., in the E. O. Thompson Building, 10th and Colorado Streets, Austin, because a quorum of the commissioners was unavailable.

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

Filed: June 25, 1976, 1:52 p.m.

Doc. No. 763469

Meeting Rescheduled

A meeting of the Transportation Division of the Railroad Commission of Texas, originally scheduled for Monday, June 28, 1976, has been rescheduled for Monday, July 12, 1976, 9 a.m., in the E. O. Thompson Building, 10th and Colorado Streets, Austin, because a quorum of the commissioners was unavailable.

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

Filed: June 25, 1976, 1:50 p.m.

Doc. No. 763467

Meeting

A meeting of the Oil and Gas Division of the Railroad Commission of Texas will be held on Monday, July 12, 1976, 9 a.m., in the E. O. Thompson Building, 10th and Colorado Streets, Austin, to consider 24 applications for hearings and 60 administrative applications. The complete agenda is posted in the East Wing of the State Capitol.

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

Filed: June 25, 1976, 1:51 p.m.

Doc. No. 763468

Meeting

A meeting of the Transportation Division of the Railroad Commission of Texas will be held on Monday, July 12, 1976, 9 a.m., in the E. O. Thompson Building, 10th and Colorado Streets, Austin, to consider contested and uncontested public convenience and necessity applications; contested and uncontested rate applications; uncontested railroad applications; exempt commodity authority; voluntary suspensions; insurance reinstatement; I.C.C. authority; a bus schedule change; and miscellaneous items. The complete agenda is posted in the East Wing of the State Capitol.

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

Filed: June 25, 1976, 1:48 p.m.

Doc. No. 763466

Hearing

A hearing by the Oil and Gas Division of the Railroad Commission of Texas will be held on Tuesday, July 20, 1976, 10 a.m., at the Sheraton Crest Hotel, Austin. The monthly statewide hearing concerns conservation and prevention of waste of crude petroleum and natural gas and is relative to the production, storage, transportation, refining, reclaiming, treating, marketing, or processing of crude oil and/or natural gas and to the purchase, sale, transportation, and handling of crude oil and natural gas and all products, by-products, and derivatives in the State of Texas. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Bob Harris, P.O. Box 12967, Capitol Station, Austin, Texas 78711, telephone (512) 475-4519.

Filed: June 25, 1976, 1:52 p.m.

Doc. No. 763470

Texas Water Rights Commission

Hearing

A hearing by the Texas Water Rights Commission will be held on Friday, August 20, 1976, 10 a.m., at the Stephen F. Austin Building, 1700 North Congress, Austin. The agenda includes Harry A. Haverlah Estate, Application 3619, and Bruton Terrace Lake Association, Application 3620. The complete notice is posted in the East Wing of the State Capitol.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13207, Austin, Texas 78711, telephone (512) 475-4514.

Filed: June 28, 1976, 8:06 a.m.

Doc. No. 763477

Hearing

A hearing by the Texas Water Rights Commission will be held on Thursday, August 26, 1976, 10 a.m., at the Stephen F. Austin Building, 1700 North Congress, Austin. The hearing concerns the City of Carrollton, Application 3617. The complete notice is posted in the East Wing of the State Capitol.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13207, Austin, Texas 78711, telephone (512) 475-4514.

Filed: June 28, 1976, 8:07 a.m.

Doc. No. 763478

Hearing

A hearing by the Texas Water Rights Commission will be held on Wednesday, September 1, 1976, 10 a.m., at the Stephen F. Austin Building, 1700 North Congress, Austin. The hearing concerns Lloyd Justiss Farms, Inc., Application 3609, and Richard D. Back, Application 3618. The complete notice is posted in the East Wing of the State Capitol.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13207, Austin, Texas 78711, telephone (512) 475-4514.

Filed: June 28, 1976, 8:07 a.m.

Doc. No. 763479

Quasi-State Agencies

Meetings Filed June 25, 1976

The Trinity River Authority of Texas, Board of Directors, met in Rooms 303 and 307, Lowman Student Center, Sam Houston State University, Huntsville, on June 28, 1976, at 10:30 a.m. Further information may be obtained from William J. Philbin, P.O. Box 5768, Arlington, Texas 76011, telephone (817) 451-3151.

The Golden Crescent Council of Governments, Board of Directors, met in the La Salle Room, 120 South Main, Victoria Bank and Trust, Victoria, on June 29, 1976, at 5 p.m. Further information may be obtained from Robert W. Burr, P.O. Box 2028, Victoria, Texas 77901, telephone (512) 578-1587.

The High Plains Underground Water Conservation District No. 1, Board of Directors, met at 2930 Avenue Q, Lubbock, on June 30, 1976, at 10 a.m. Further information may be obtained from Frank A. Rayner, 2930 Avenue Q, Lubbock, Texas 79405, telephone (806) 797-2016.

The Trinity River Authority of Texas, Board of Directors Executive Committee, met at the Trinity River Authority Southern Division Office, 1117 Tenth, Huntsville, on June 28, 1976, at 9 a.m. Further information may be obtained from William J. Philbin, P.O. Box 5768, Arlington, Texas 76011, telephone (817) 451-3151.

Doc. No. 763464

Meetings Filed June 28, 1976

The East Texas Council of Governments, Executive Committee, met at the Blue Room, Allied Citizens Bank Building, Kilgore, on July 1, 1976, at 7 p.m. Further information may be obtained from Don R. Edmonds, 5th floor, Allied Citizens Bank Building, Kilgore, Texas 75662, telephone (214) 984-8641.

The Education Service Center Region XVI, Board of Directors, will meet at Sutphen's, 620 West 16th, Amarillo, on July 15, 1976, at 1 p.m. Further information may be obtained from Dr. Kenneth M. Laycock, 1601 South Cleveland, Amarillo, Texas 79102, telephone (806) 376-5521.

The Education Service Center Region XVIII, Board of Directors, will meet at the Midland Regional Air Terminal, Pliska Drive, Midland, on July 15, 1976, at 7:30 p.m. Further information may be obtained from J. W. Donaldson, Box 6020, Midland, Texas 79701, telephone (915) 563-2380.

The Texas Mohair Producers Board met at the River Club, 800 West Avenue D, San Angelo, on July 1, 1976, at 10 a.m. Further information may be obtained from Ross McSwain, P.O. Box 222, San Angelo, Texas 76901, telephone (915) 655-3161.

Doc. No. 763484

Texas Health Facilities Commission

Certificate of Need Hearings

July, 1976

The following hearings will be held in the offices of the Texas Health Facilities Commission, Suite 450, One Highland Center, Austin.

Memorial Medical Nursing Home, 315 Lewis Street, San Antonio, Texas 78712, (AN76-0413-007) is scheduled to appear at a hearing at 9 a.m., on July 6, 1976, to petition the commission for a certificate of need to add 50 ICF III nursing beds to existing 195 beds of skilled and ICF III.

Ben Taub General Hospital, 1502 Taub Loop, Houston, Texas 77006, (AH76-0318-004) is scheduled to appear at a hearing at 9:30 a.m., on July 6, 1976, to petition the commission for a certificate of need to replace three x-ray units at Ben Taub General, two of which are for emergency center and the third for x-ray department.

Lois Walker, E. L. McDonnell, and Moran McDonnell, P.O. Box 51, Collinsville, Texas 76233, (AN76-0311-007) are scheduled to appear at a hearing at 9:30 a.m., on July 7, 1976, to petition the commission for a certificate of need to construct McDonnell Nursing Center, an 80-bed (level III care) nursing home, in Whitesboro, Grayson County.

C. W. and Caroline Bohne Memorial Hospital, Inc., 2304 South Day Street, Brenham, Washington County, Texas 77833, (AH76-0412-014) is scheduled to appear at a hearing at 9 a.m. on July 7, 1976, to petition the commission for a certificate of need to add 10 beds to their new 32-bed facility.

Baptist General Convention of Texas, 201 Baptist Building, Dallas, Texas 75201, (AH76-0120-005), originally scheduled at 9 a.m. on June 8, 1976, is rescheduled to appear at a hearing at 1:30 p.m. on July 8, 1976, to petition the commission for a certificate of need to purchase polyaxial tomography equipment which includes the polytome U and two modular tomographic/routine units for Hendrick Memorial Hospital of Abilene, in Taylor County.

Allen McDonald Foundation doing business as The Regis, 400 Austin Avenue, Waco, Texas 76701, (AN76-0406-014), originally scheduled to appear at a hearing at 9 a.m. on June 22, 1976, has been rescheduled for 1:30 p.m. on July 8, 1976, to petition the commission for a certificate of need to add 60 beds to facility currently approved for 119-bed construction under AN75-1007-019.

The Saint Joseph Hospital, 1155 Idaho, El Paso, Texas 79902, (AH76-0419-003) is scheduled to appear at a hearing at 9:30 a.m. on July 12, 1976, to petition the commission for a certificate of need to construct a medical office building to house physician specialties and to serve outpatient hospital needs including urinalysis and radiologic services.

Sisters of Charity of the Incarnate Word, 4503 Broadway, San Antonio, Texas 78209, (AH76-0505-001) is scheduled to appear at a hearing at 10 a.m. on July 12, 1976, to petition the commission for a certificate of need to purchase replacement equipment for the cardiac catheterization laboratory at St. Anthony's Hospital in Amarillo, Potter County. The replacement equipment is Phillips Angio Diagnostic, complete with an automated catheterization system.

The City of Gladewater, 201 West Commerce, Gladewater, Gregg County, Texas 75647, (AH76-0415-006) is scheduled to appear at a hearing at 9 a.m. on July 13, 1976, to petition the commission for a certificate of need to add a cardiopulmonary functions laboratory costing \$99,929.15 to Gladewater Municipal Hospital.

Southwest Texas Artificial Kidney Center, 500 East Mann Road, Laredo, Texas 78040, (AS76-0325-015) is scheduled to appear at a hearing at 9:30 a.m. on July 13, 1976, to petition the commission for a certificate of need to provide renal dialysis on limited care basis through six dialysis stations.

Presbyterian Hospital of Dallas, 8200 Walnut Hill Lane, Dallas, Texas 75231, (AH76-0430-001) is scheduled to appear at a hearing at 9 a.m. on July 14, 1976, to petition the commission for a certificate of need to modernize two fluoroscopic radiographic rooms at Presbyterian Hospital of Dallas. The project specifically involves the replacement of obsolete single-phase fluoroscopic equipment by three-phase units with the following features: automatic collimation, image intensification, phototiming, and television camera and monitor.

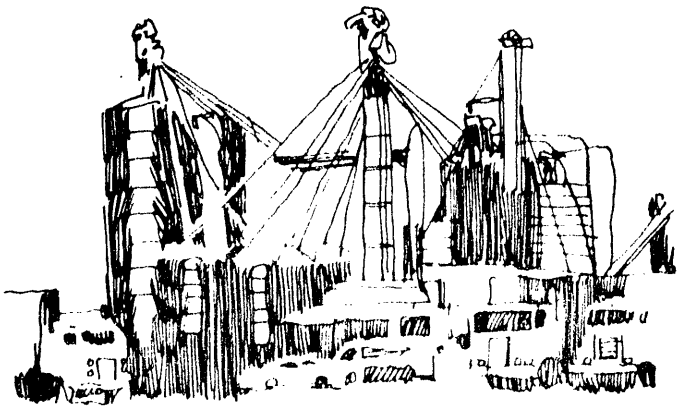
Providence Memorial Hospital, 2001 North Oregon, El Paso, Texas 79902, (AH76-0510-004) is scheduled to appear at a hearing at 9:30 a.m. on July 14, 1976, to petition the commission for a certificate of need to relocate existing in-house acute coronary care unit and increase capacity of existing intensive care unit from eight to 16 beds.

St. Luke's Episcopal and Texas Children's Hospitals, 6720 Bertner, Houston, Texas 77030, (AH76-0511-004) is scheduled to appear at hearing at 1:30 p.m. on July 15, 1976, to petition the commission for a certificate of need to purchase an IBM 370/145 computer for business and financial services in the hospitals.

Delta Rural Medical Center, Highway 107, Edcouch, Texas, (AO76-0223-004) is scheduled to appear at a hearing at 10 a.m. on July 19, 1976, to petition the commission for a certificate of need to extend outpatient services to migrant and seasonal workers in the Delta area of Northwestern Hidalgo County, to include an on-site facility in Edcouch.

Grant Buie and Hillsboro Hospitals, 101 Circle Drive, Hillsboro, Texas 76645, (AH76-0514-006) are scheduled to appear at a hearing at 10:30 a.m. on July 19, 1976, to petition the commission for a certificate of need to renovate Grant Buie Hospital; add physician offices; close the Hillsboro Hospital consisting of 44 licensed certified beds; and add 20 licensed beds to Grant Buie and update equipment systems in physical therapy, operating suites, emergency room, and radiology. The critical condition unit is to be expanded by two new beds.

New Horizon Home, 5000 Bandera Highway, Kerrville, Texas 78028, (AO76-0517-001) is scheduled to appear at a hearing at 9:30 a.m. on July 20, 1976, to petition the commission for a certificate of need to convert an ICF II facility to ICF-MR V, providing 24-hour care, guidance, and supervision, for MR patients.



Texarkana Memorial Hospital, Inc., 1000 Pine Street, Texarkana, Texas 75501, (AH76-0504-002) is scheduled to appear at a hearing at 1:30 p.m. on July 20, 1976, to petition the commission for a certificate of need to purchase ultrasound diagnostic equipment to provide a new service at Wadley Hospital in Texarkana. The new equipment will require minor modification of a room.

Deep East Texas Regional MH/MR Services, 303 Angelina Building, Lufkin, Texas 75901, (AS76-0419-002) is scheduled to appear at a hearing at 9 a.m. on July 21, 1976, to petition the commission for a certificate of need to expand existing mental health team and

services to nine counties within catchment area 19-1. (Includes: Angelina, Hardin, Houston, Jasper, Newton, Polk, San Jacinto, Trinity, and Tyler Counties.)

Sam Barron, College Park Center, Big Spring, Texas 79720, (AS76-0112-013) is scheduled to appear at a hearing at 9:30 a.m. on July 21, 1976, to petition the commission for a certificate of need to establish Best Home Care, a home health agency to serve Howard, Mitchell, Nolan, Martin, Midland, Sterling, and Dawson Counties.

Laurelwood Nursing Complex, 2717 North Flores, San Antonio, Texas 78212, (AN76-0422-004) is scheduled to appear at a hearing at 1:30 p.m. on July 21, 1976, to petition the commission for a certificate of need to add 13 beds - ICF II and construct a unit to house these 13 beds and an additional 19 beds ordered by exemption certificate from the Texas Health Facilities Commission.

Presbyterian Hospital of Dallas, 8200 Walnut Hill Lane, Dallas, Texas 75231, (AH76-0517-003) is scheduled to appear at a hearing at 10 a.m. on July 26, 1976, to petition the commission for a certificate of need to purchase a computerized axial tomography scanner with whole body capability. (Dallas County Hospital District, AH76-0607-011, has been joined with the above application for like equipment.)

Mesa Investments, doing business as Surgical Center, 1805-1821 Stanton, El Paso, Texas 79902, (AS76-0505-002) is scheduled to appear at a hearing at 10:30 a.m. on July 26, 1976, to petition the commission for a certificate of need to add three surgical suites to outpatient surgical facility in El Paso being constructed by order of exemption certificate from the commission.

Fil Am, Inc., 130 West 4th Street, Baird, Texas 79504, (AH76-00415-008) is scheduled to appear at a hearing at 9:30 a.m. on July 28, 1976, to petition the commission for a certificate of need to build at Callahan General Hospital a 30-bed addition to the existing 22-bed facility, to relocate the emergency room, to remodel the kitchen and patient rooms, to build a new business office, and to replace the x-ray equipment.

Medi Park Partnership, 1901 Medi Park Drive, Amarillo, Texas 79106, (AN76-0429-001) is scheduled to appear at a hearing at 10 a.m. on July 28, 1976, to petition the commission for a certificate of need to add 13 intermediate care nursing beds to the 122-bed Medi Park Care Center, Inc.

Sabine County Hospital, Drawer E, Hemphill, Texas 75948, (AH76-0513-001) is scheduled to appear at a hearing at 9:30 a.m. on July 30, 1976, to petition the commission for a certificate of need to construct a general service, county-owned, 36-bed hospital facility.

St. James House, 5800 Baker Road, Baytown, Texas 77520, (AN76-0504-003) is scheduled to appear at a hearing at 10 a.m. on July 30, 1976, to petition the commission for a certificate of need to convert four private rooms to semi-private by the addition of four beds to be licensed as custodial.

High Plains Baptist Hospital, AN75-1104-014), **St. Anthony's Hospital** (AH75-1201-002), and **Northwest Texas Hospital** (AH75-1217-002) are scheduled to appear at a rehearing at 9 a.m. on July 20, 1976, to petition the commission for a certificate of need to purchase and install a computerized axial tomography full body scanner.

Texas Register

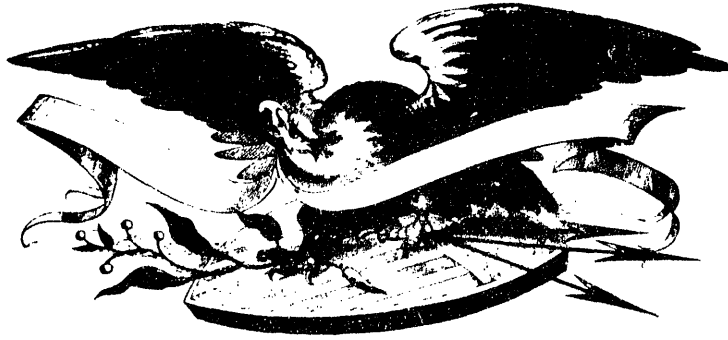
Correction of Error

Adopted Rule 226.23.04.130, *School District Collection of Student Fees*, of the *Texas Education Agency* was published in the June 25, 1976 (Volume 1, Number 49) issue of the *Texas Register* with an incorrect effective date of July 8, 1976. The effective date of that rule is September 1, 1976.

Texas Register Publication Schedule, July-September

Listed below are the deadline dates for the *Texas Register* for the months of July, August, and September. Because of the printing schedule, material received after the deadlines for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition of the *Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Friday of the preceding week and Monday of the week of publication. The asterisk beside September 10 indicates that the deadlines for that issue have been moved because of Labor Day, a state holiday. Please note that the issue published on July 27 will be a cumulative index — no other material will be published in this issue. The *Register* will not be published on September 3.

FOR ISSUE PUBLISHED ON:	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY NOON ON:	ALL NOTICES OF OPEN MEETINGS BY NOON ON:
Friday, July 2	Friday, June 25	Monday, June 28
Tuesday, July 6	Wednesday, June 30	Thursday, July 1
Friday, July 9	Friday, July 2	Monday, July 5
Tuesday, July 13	Wednesday, July 7	Thursday, July 8
Friday, July 16	Friday, July 9	Monday, July 12
Tuesday, July 20	Wednesday, July 14	Thursday, July 15
Friday, July 23	Friday, July 16	Monday, July 19
Tuesday, July 27	Friday, July 23	Monday, July 19 INDEX
Friday, July 30	Friday, July 23	Monday, July 26
Tuesday, August 3	Wednesday, July 28	Thursday, July 29
Friday, August 6	Friday, July 30	Monday, August 2
Tuesday, August 10	Wednesday, August 4	Thursday, August 5
Friday, August 13	Friday, August 6	Monday, August 9
Tuesday, August 17	Wednesday, August 11	Thursday, August 12
Friday, August 20	Friday, August 13	Monday, August 16
Tuesday, August 24	Wednesday, August 18	Thursday, August 19
Friday, August 27	Friday, August 20	Monday, August 23
Tuesday, August 31	Wednesday, August 25	Thursday, August 26
Friday, September 3	Friday, July 23	Monday, July 19 INDEX
Tuesday, September 7	Friday, July 23	Monday, July 19 INDEX
*Friday, September 10	Friday, July 23	Monday, July 19 INDEX
Tuesday, September 14	Friday, July 23	Monday, July 19 INDEX
Friday, September 17	Friday, July 23	Monday, July 19 INDEX
Tuesday, September 21	Friday, July 23	Monday, July 19 INDEX
Friday, September 24	Friday, July 23	Monday, July 19 INDEX
Tuesday, September 28	Friday, July 23	Monday, July 19 INDEX
	NO ISSUE	PUBLISHED
	Wednesday, September 1	Thursday, September 2
	Thursday, September 2	Friday, September 3
	Wednesday, September 8	Thursday, September 9
	Friday, September 10	Monday, September 13
	Wednesday, September 15	Thursday, September 16
	Friday, September 17	Monday, September 20
	Wednesday, September 22	Thursday, September 23



DECLARATION OF INDEPENDENCE

IN CONGRESS JULY 4, 1776

The unanimous Declaration of the thirteen united States of America

When in the Course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the Powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty to throw off such Government, and to provide new Guards for their future security.—Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their Public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative Powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary Powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our People, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our Legislature.

He has affected to render the Military independent of and superior to the Civil Power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their acts of pretended Legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from Punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing taxes on us without our Consent:

For depriving us in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offenses:

For abolishing the free System of English Laws in a neighboring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Government:

For suspending our own Legislature, and declaring themselves invested with Power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free People.

Nor have We been wanting in attention to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the Protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

JOHN HANCOCK

New Hampshire

JOSIAH BARLETT,
WM. WHIPPLE,
MATTHEW THORNTON.

Massachusetts Bay

SAML. ADAMS,
JOHN ADAMS,
ROBT. TREAT PAINE,
ELBRIDGE GERRY.

Rhode Island

STEP. HOPKINS,
WILLIAM ELLERY.

Connecticut

ROGER SHERMAN,
SAM'EL HUNTINGTON,
WM. WILLIAMS,
OLIVER WOLCOTT.

New York

WM. FLOYD,
PHIL. LIVINGSTON,
FRANS. LEWIS
LEWIS MORRIS.

New Jersey

RICHD. STOCKTON,
JNO. WITHERSPOON,
FRAS. HOPKINSON,
JOHN HART,
ABRA. CLARK.

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JOHN MORTON,
GEO. CLYMER,
JAS. SMITH,
GEO. TAYLOR,
JAMES WILSON,
GEO. ROSS.

Delaware

CAESAR RODNEY,
GEO. READ,
THO. M'KEAN.

Maryland

SAMUEL CHASE,
WM. PACA,
THOS. STONE,
CHARLES CARROLL
of Carrollton.

Virginia

GEORGE WYTHE,
RICHARD HENRY LEE,
TH. JEFFERSON,
BENJA. HARRISON
THOS. NELSON, jr.,
FRANCIS LIGHTFOOT LEE,
CARTER BRAXTON.

North Carolina

WM. HOOPER,
JOSEPH HEWES,
JOHN PENN.

South Carolina

EDWARD RUTLEDGE,
THOS. HEYWARD, Junr.,
THOMAS LYNCH, Junr.,
ARTHUR MIDDLETON.

Georgia

BUTTON GWINNETT,
LYMAN HALL,
GEO. WALTON.

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 Jack Ogg
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 John Traeger
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 Mike McKinnon
 Peyton McKnight

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Max Sherman, Chairman
 Peyton McKnight
 Tom Creighton
 Ray Farabee
 Kent Hance
 D. Roy Harrington
 Grant Jones
 Glenn Kothmann
 Walter Mengden
 Bill Patman
 Lindon Williams

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Kent Hance, Chairman
 Walter Mengden
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Subcommittee on Agriculture

Bill Patman, Chairman
 Grant Jones
 Max Sherman

Texas Constitution

A. M. Aikin, Chairman
 Max Sherman
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