

or not the health care provider has a direct contract with that program operator or is part of a health care provider network that has a contract with the program operator, and what the amount of the discount will be on the health care service or benefit.

The taxpayers will also benefit in that the Department will reduce the time and resources needed to investigate complaints, where complainants cannot identify who the program operator is by looking at the program materials or the membership card and where all they know is the name of the marketer who sold or attempted to sell them the program.

There will be no disparate economic effect on small or micro-businesses or to persons who are required to comply with the rules as proposed. As of September 1, 2008, there were 27 program operators registered in Texas. The Department has researched these program operators to determine whether or not any of these entities would be considered small or micro-businesses. The Department has identified the number of states that each operator does business in, the number of marketers each operator has contracted with to sell these programs, the number of members enrolled in each operator's program(s), and the enrollment and membership fees charged per member by each operator. Based on this research, the Department has determined that none of the registered program operators would qualify as a small or micro-business. In addition, based on the revenue that is generated by each program operator and the number of program operators who already identify themselves on membership and marketing materials, the Department anticipates very minimal costs to all program operators who are required to comply with the proposed amendments.

Since the agency has determined that the rule will have no adverse economic effect on small businesses preparation of an Economic Impact Statement and a Regulatory Flexibility Analysis, as detailed under Texas Government Code §2006.002, are not required.

Comments on the proposal may be submitted by mail to Caroline Jackson, Legal Assistant, General Counsel's Office, Texas Department of Licensing and Regulation, P.O. Box 12157, Austin, Texas 78711, or by facsimile to (512) 475-3032, or electronically to erule.comments@license.state.tx.us. The deadline for comments is 30 days after publication in the *Texas Register*.

The amendments are proposed under Texas Occupations Code, Chapter 51, and Texas Health and Safety Code, Chapter 76, both of which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters.

The statutory provisions affected by the proposal are those set forth in Texas Occupations Code, Chapter 51, and Texas Health and Safety Code, Chapter 76. No other statutes, articles, or codes are affected by the proposal.

§84.70. Responsibility of the Registrant--General.

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

(c) A discount health care card program operator shall clearly and conspicuously identify itself on all discount health care card program materials that are used by the program operator or its marketers, including membership cards.

§84.73. Responsibility of the Registrant--Statements, Representations, and Advertising.

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

(c) All discount health care card program advertising, regardless of the form, the method, or the source of the dissemination, must clearly and conspicuously identify the program operator. This includes discount health care card program websites.

(d) [(e)] The department may examine the marketing materials of the program operator or its marketers for compliance with this section and may require the program operator and its marketers to make corrections the department deems necessary.

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

Filed with the Office of the Secretary of State on November 17, 2008.

TRD-200805955

William H. Kuntz, Jr.

Executive Director

Texas Department of Licensing and Regulation

Earliest possible date of adoption: December 28, 2008

For further information, please call: (512) 463-7348



TITLE 19. EDUCATION

PART 1. TEXAS HIGHER EDUCATION COORDINATING BOARD

CHAPTER 5. RULES APPLYING TO PUBLIC UNIVERSITIES, HEALTH-RELATED INSTITUTIONS, AND/OR SELECTED PUBLIC COLLEGES OF HIGHER EDUCATION IN TEXAS

SUBCHAPTER A. GENERAL PROVISIONS

19 TAC §§5.8 - 5.10

The Texas Higher Education Coordinating Board proposes new §§5.8 - 5.10 concerning Uniform Grade Point Average Calculation. Specifically, the new §5.8 concerning Uniform Grade Point Average Calculation will establish a standard method for computing a student's high school grade point average. The method must be based on a four-point scale and give additional weight to more rigorous courses. The new §5.9 concerning the Conversion Chart for the Uniform Grade point Average will establish the mathematical equivalences for the standard method for computing a student's high school grade point average established by §5.8. The new §5.10 will establish the time-table for the implementation of §5.8.

Dr. Judith Loredo, Assistant Commissioner for P-16 Initiatives, has determined that for each year of the first five years the section is in effect, there will be slight fiscal implications to state or local government as a result of enforcing or administering the rules. The fiscal note to House Bill 3851, 80th Legislature Regular Session (2007) indicated that "given the complexity and variety of methods of calculating high school grade point average, it is assumed that school districts would likely incur some cost in conforming to an adopted methodology. Anticipated costs would include modification of local procedures and software." The rules are not, however, expected to affect any local economy.

Dr. Loreda has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be increased student success and graduation from general academic teaching institutions. There is no effect on small businesses as noted, there are slight economic costs to entities required to comply with the section as proposed. There is no impact on local employment.

Comments on the proposal may be submitted to Natalie Coffey, Senior Program Director, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas 78711, or natalie.coffey@thehb.state.tx.us. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The new sections are proposed under the Texas Education Code, §51.807, which requires the Coordinating Board to adopt rules establishing a standard method for computing a student's high school grade point average.

The new sections affect Texas Education Code, §51.807.

§5.8. Uniform Grade-Point Calculation for Admission to General Academic Teaching Institutions.

Procedures for calculating the high school grade-point average for students seeking admission to a Texas general academic teaching institution shall be as follows:

(1) Only official high school transcripts shall be accepted by the general academic teaching institution for evaluation and grade-point calculation.

(2) A four-point scale shall be used in computing the Uniform Grade-Point Average (GPA) with the exception of paragraph (7) of this section.

(3) No grade points shall be awarded for courses that do not result in credit awarded.

(4) Grades from the following courses regardless of when taken, shall be used in calculating the Uniform Grade-Point Average: Courses including electives in Texas Administrative Code §74.63(b)(1) - (6) and (8) - (11) of this title (relating to Recommended High School Program); all College Board Advanced Placement (AP) and International Baccalaureate (IB) courses in all disciplines; high school career and technology courses aligned with university programs of study as determined by the GPA Advisory Committee established by §5.10(c) of this chapter (relating to Implementation of Uniform Grade-Point Average Rules); and dual credit courses including career oriented courses in the Lower Division Academic Course Guide Manual (ACGM).

(5) Grades earned in local credit courses (Texas Education Code, §28.002(f) shall not be included in the computation of the Uniform Grade-Point Average; and

(6) Grades from out-of-state academic courses equivalent to those in paragraph (4) of this section shall be included in the computation of the Uniform Grade-Point Average if state credit toward the Recommended or Distinguished High School Program is awarded for them.

(7) Courses shall be weighted in the following manner:

(A) Advanced Placement (AP), International Baccalaureate (IB), and Dual Credit courses set forth in paragraph (4) of this section shall be weighted equally with an additional weighting of 1.0 point in the calculation of the Uniform Grade-Point Average.

(B) Pre-AP, Honors, and Pre-IB courses in paragraph (4) of this section that are natural precursors to AP and IB courses shall be weighted with an additional weighting of .50 if begun prior to May 1, 2013.

(C) If begun on or after May 1, 2013, all Pre-AP and Honors courses will be expected to meet Laying the Foundation, or comparable standards. Pre-IB courses will be expected to be part of an approved IB program. In addition, continued weighting for Pre-AP, Honors, and Pre-IB courses will be reviewed by the GPA Advisory Committee established by §5.10(c) of this chapter as appropriate.

(8) The Uniform Grade-Point Average shall be computed for use by the general academic teaching institution:

(A) By multiplying each grade (see paragraph (4) of this section) by the credits earned per course and totaling the products, and

(B) The total of the products shall be divided by the total credits.

(C) The result is to be calculated to no more than three decimal places, giving the official cumulative Uniform Grade-Point Average.

§5.9. Conversion Chart for Uniform Grade Point Average.

The following conversion chart shall be used in the calculation of grade point averages pursuant to §5.8 of this chapter (relating to Uniform Grade-Point Calculation for Admission to General Academic Teaching Institutions):

Figure: 19 TAC §5.9

§5.10. Implementation of Uniform Grade-Point Average Rules.

(a) The rules for calculation of the Uniform Grade-Point Average established under §5.8 of this chapter (relating to Uniform Grade-Point Calculation for Admission to General Academic Teaching Institutions) shall apply to the calculation of such averages for all students who enter the ninth grade for the first time from May 1, 2009, onward.

(b) The grade-point averages of students already in ninth grade or higher as of April 30, 2009, or before, shall be calculated on the same basis that would have applied to such students before the adoption of §5.8 of this chapter.

(c) The Coordinating Board will establish a 15-member Grade-Point Average (GPA) Advisory Committee according to §1.6 of this title (relating to Advisory Committees), which will include representatives from public education, higher education and the workforce sectors, to oversee implementation of the GPA standards and to monitor the courses counted in the GPA calculation as curricula in high schools and universities change. Additionally, the GPA Advisory Committee will be responsible for ensuring institutional compliance with Coordinating Board rules e.g., §4.85 of this title (relating to Dual Credit Requirements) which specify requirements for dual credit courses. The GPA Advisory Committee will advise the Board on each of the referenced areas so that appropriate action may be taken when necessary.

(d) Public institutions of higher education offering dual credit courses will be required to monitor the rigor of the courses offered to high school students and adhere to rules and standards adopted by the Texas Higher Education Coordinating Board.

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

Filed with the Office of the Secretary of State on November 17, 2008.

TRD-200805951

Bill Franz
General Counsel
Texas Higher Education Coordinating Board
Proposed date of adoption: January 29, 2009
For further information, please call: (512) 427-6114



TITLE 22. EXAMINING BOARDS

PART 22. TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY

CHAPTER 501. RULES OF PROFESSIONAL CONDUCT

SUBCHAPTER A. GENERAL PROVISIONS

22 TAC §501.55

The Texas State Board of Public Accountancy (Board) proposes an amendment to §501.55, concerning Definition of Acronyms.

The amendment to §501.55 will incorporate recent changes to the Model Rules of the Uniform Accountancy Act.

William Treacy, Executive Director of the Board, has determined that for the first five-year period the proposed amendment will be in effect:

A. the additional estimated cost to the state expected as a result of enforcing or administering the amendment will be none.

B. the estimated reduction in costs to the state and to local governments as a result of enforcing or administering the amendment will be none.

C. the estimated loss or increase in revenue to the state as a result of enforcing or administering the amendment will be none.

Mr. Treacy has determined that for the first five-year period the amendment is in effect the public benefits expected as a result of adoption of the proposed amendment will be that the rules will follow the Model Rules of the Uniform Accountancy Act.

The probable economic cost to persons required to comply with the amendment will be insignificant.

Mr. Treacy has determined that a Local Employment Impact Statement is not required because the proposed amendment will not affect a local economy.

Mr. Treacy has determined that the proposed amendment will not have an adverse economic effect on small businesses because the amendment does not impose any duties or obligations upon small businesses.

Mr. Treacy has determined that an Economic Impact Statement and a Regulatory Flexibility Analysis are not required because the proposed amendment will not adversely affect small or micro businesses.

The Board requests comments on the substance and effect of the proposed rule from any interested person. Comments must be received at the Board no later than noon on December 28, 2008. Comments should be addressed to J. Randel (Jerry) Hill, General Counsel, Texas State Board of Public Accountancy, 333 Guadalupe, Tower 3, Suite 900, Austin, Texas 78701 or faxed to his attention at (512) 305-7854.

The Board specifically invites comments from the public on the issues of whether or not the proposed amendment will have an adverse economic effect on small businesses; if the proposed rule is believed to have an adverse effect on small businesses, estimate the number of small businesses believed to be impacted by the rule, describe and estimate the economic impact of the rule on small businesses, offer alternative methods of achieving the purpose of the rule; then explain how the Board may legally and feasibly reduce that adverse effect on small businesses considering the purpose of the statute under which the proposed rule is to be adopted. Finally, describe how the health, safety, environmental and economic welfare of the state will be impacted by the various proposed methods. See Texas Government Code, §2006.002(c).

The amendment is proposed under the Public Accountancy Act (Act), Texas Occupations Code, §901.151 which authorizes the Board to adopt rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by this proposed amendment.

§501.55. *Definition of Acronyms.*

The following acronyms, when used in Title 22, Part 22 of the Texas Administrative Code relating to the Texas State Board of Public Accountancy, shall have the following meanings:

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

(6) "SEC" means the United States Securities and Exchange Commission;[-]

(7) "TSCPA" means the Texas Society of Certified Public Accountants;

(8) "NCCPAP" means the National Conference of CPA Practitioners;

(9) "NPRC" means the National Peer Review Committee.

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

Filed with the Office of the Secretary of State on November 13, 2008.

TRD-200805940

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Earliest possible date of adoption: December 28, 2008

For further information, please call: (512) 305-7848



SUBCHAPTER E. RESPONSIBILITIES TO THE BOARD/PROFESSION

22 TAC §501.90

The Texas State Board of Public Accountancy (Board) proposes an amendment to §501.90, concerning Discreditable Acts.

The amendment to §501.90 will put licensees on notice that the Board believes that in addition to making deceitful or misleading statements to their clients they should not be making misleading or deceitful statements to the Board, its staff, or the Board's consultants hired to assist in the investigation.

Figure: 19 TAC §5.9

| Numerical Grade | AP/IB/Dual Credit GPA | Pre-AP Pre-IB Honors GPA | Regular Course GPA | Letter Grade |
|-----------------|-----------------------|--------------------------|--------------------|--------------|
| 100 | 5.0 | 4.5 | 4.0 | A+ |
| 99 | 4.9 | 4.4 | 3.9 | A+ |
| 98 | 4.8 | 4.3 | 3.8 | A+ |
| 97 | 4.7 | 4.2 | 3.7 | A |
| 96 | 4.6 | 4.1 | 3.6 | A |
| 95 | 4.5 | 4.0 | 3.5 | A |
| 94 | 4.4 | 3.9 | 3.4 | A - |
| 93 | 4.3 | 3.8 | 3.3 | A - |
| 92 | 4.2 | 3.7 | 3.2 | A - |
| 91 | 4.1 | 3.6 | 3.1 | B + |
| 90 | 4.0 | 3.5 | 3.0 | B + |
| 89 | 3.9 | 3.4 | 2.9 | B + |
| 88 | 3.8 | 3.3 | 2.8 | B |
| 87 | 3.7 | 3.2 | 2.7 | B |
| 86 | 3.6 | 3.1 | 2.6 | B |
| 85 | 3.5 | 3.0 | 2.5 | B |
| 84 | 3.4 | 2.9 | 2.4 | B - |
| 83 | 3.3 | 2.8 | 2.3 | B - |
| 82 | 3.2 | 2.7 | 2.2 | B - |
| 81 | 3.1 | 2.6 | 2.1 | C + |
| 80 | 3.0 | 2.5 | 2.0 | C + |
| 79 | 2.9 | 2.4 | 1.9 | C + |
| 78 | 2.8 | 2.3 | 1.8 | C |
| 77 | 2.7 | 2.2 | 1.7 | C |
| 76 | 2.6 | 2.1 | 1.6 | C |
| 75 | 2.5 | 2.0 | 1.5 | C |
| 74 | 2.4 | 1.9 | 1.4 | C - |
| 73 | 2.3 | 1.8 | 1.3 | C - |
| 72 | 2.2 | 1.7 | 1.2 | C - |
| 71 | 2.1 | 1.6 | 1.1 | D + |
| 70 | 2.0 | 1.5 | 1.0 | D + |