1.0 Subject and Purpose

This amended guidance letter replaces the previous GL 20-3005, issued on April 20, 2020, to notify providers that on August 17, 2020, the Health and Human Services Commission (HHSC) extended rules §500.41, related to CDTF Telemedicine or Telehealth in Response to COVID-19, and §500.42, related to CDTF Maximum Caseloads in Response to COVID-19, for an additional 60 days. The emergency rule extension is effective until October 16, 2020 and can be viewed in the Texas Register under docket number 202001539.

The Health and Human Services Commission (HHSC) adopted emergency rules in response to the state of disaster declared in Texas and the United States of America relating to COVID-19. CDTFs are now temporarily permitted to provide certain treatment services via telehealth, telemedicine, or electronic means and to increase the number of clients per counselor caseload in intensive residential programs in response to the COVID-19 pandemic.

This letter describes the emergency rules adopted during the disaster.

2.0 Emergency Rule Details

Emergency rules §500.41, related to CDTF Telemedicine or Telehealth in Response to COVID-19, and §500.42, related to CDTF Maximum Caseloads in Response to COVID-19, are adopted under Texas Administrative Code Title 26 (26 TAC), Part 1, Chapter 500, Subchapter D. Under these
emergency rules, CDTFs must follow operational requirements in response to COVID-19.

2.1 Emergency Rule §500.41 CDTF Telemedicine or Telehealth in Response to COVID-19

Under emergency rule §500.41, a licensed CDTF may provide certain treatment services to clients using telemedicine, telehealth, or electronic means in order to reduce the risk of transmission of COVID-19 and address shortages of available medical professionals. The emergency rule is reproduced below:

§500.41 CDTF Telemedicine or Telehealth in Response to COVID-19

(a) In this section, telehealth service has the meaning assigned by Occupations Code §111.001(3), and telemedicine medical service has the meaning assigned by Occupations Code §111.001(4).

(b) A physician, physician assistant, nurse practitioner, registered nurse, or licensed vocational nurse (LVN) may use telemedicine medical service or telehealth service to screen a client for admission to a detoxification program as required by 25 TAC §448.801(e), provided all other requirements of that subsection are met. The physician who examines a client screened by a LVN, as required by 25 TAC §448.801(e)(4), may use telemedicine medical service or telehealth service to examine the client.

(c) The medical director or their designee (physician assistant, nurse practitioner) may use telemedicine medical service or telehealth service to conduct the examination of a client for admission to a detoxification program, as required by 25 TAC §448.902(e), provided all other requirements of that subsection are met.

(d) A counselor or counselor intern may use electronic means that meet the criteria of 25 TAC §448.911 to conduct the comprehensive psychosocial assessment of a client admitted to the facility, as required by 25 TAC §448.803, provided all other requirements of §448.803 are met, and to review information from an outside source with the client, as required by 25 TAC §448.803(f), provided all other requirements of that subsection are met.

(e) A qualified credentialed counselor, licensed professional counselor, licensed chemical dependency counselor, licensed marriage and family therapist, or licensed clinical social worker may provide outpatient
chemical dependency treatment program services by electronic means under 25 TAC §448.911, provided all other requirements of that section are met.

(f) Any use of telemedicine medical service or telehealth service under this section shall comply with all applicable professional statutes and rules.

2.2 Emergency Rule §500.42 CDTF Maximum Caseloads in Response to COVID-19

Under emergency rule §500.42, a CDTF may increase counselor caseloads in intensive residential programs from 10 to 20 clients per counselor because of CDTF staff. The emergency rule is reproduced below:

§500.42. CDTF Maximum Caseloads in Response to COVID-19.

Notwithstanding 25 TAC §448.903(f), counselor caseloads in intensive residential programs shall be limited to 20 clients for each counselor. To the extent this emergency rule conflicts with 25 TAC Chapter 448, this emergency rule controls while it remains in effect.

3.0 Background/History

In accordance with Texas Government Code §2001.034, HHSC adopted emergency rules §500.41, relating to CDTF Telemedicine or Telehealth in Response to COVID-19, and §500.42, relating to CDTF Maximum Caseloads in Response to COVID-19, on April 20, 2020 in 26 TAC, Part 1, Chapter 500, Subchapter D due to imminent peril to the public health, safety, or welfare. These emergency rules may not be effective for longer than 120 days and may not be renewed for longer than 60 days.

4.0 Resources


To receive future updates, sign up for GovDelivery: https://service.govdelivery.com/accounts/TXHHSC/subscriber/new.
5.0 Contact Information

If you have any questions about this letter, please contact the Policy, Rules, and Training Section by email at: HCR_PRT@hhsc.state.tx.us.