Substance Use Disorder Compliance Unit Guidance Letter

**Number:** GL 20-3000

**Title:** Statutes and Rules Governing Chemical Dependency Treatment Facilities (CDTFs)

**Provider Types:** CDTFs

**Date Issued:** March 2, 2020

1.0 Subject and Purpose

The Texas Health and Human Services Commission (HHSC) provides guidance to licensed CDTFs regarding laws and rules governing CDTFs.

This letter outlines provider responsibilities and expectations.

2.0 Policy Details & Provider Responsibilities

The Legislature requires licensed CDTFs to comply with all applicable statutes and rules. Accordingly, licensed CDTFs are responsible for complying with the provisions of Texas Health and Safety Code (HSC), including Chapters 161, 164, 322, 462, and 464. CDTFs are also responsible for complying with HHSC rules for this type of facility at 25 TAC, Chapter 448.

A CDTF, other than a faith-based program, may not offer chemical dependency treatment in Texas without a license issued under HSC Chapter 464.\(^1\) Facilities seeking a CDTF license are required to complete and submit a CDTF licensure application to HHSC. By signing the licensure application,

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an individual, on behalf of a facility, agrees to comply with 25 TAC, Chapter 448. In addition, HHSC has authority to investigate complaints against facilities.

Applicants are required to complete and submit a CDTF Licensure Application Checklist for Initial Applicants, and attest that the applicant reviewed and accepts responsibility for full knowledge and compliance by the facility with all applicable laws and regulations, including the Standard of Care rules in 25 TAC, Chapter 448.

Licensed CDTFs seeking to add a new site or make changes to a licensed facility are required to complete and submit a CDTF licensure application along with a CDTF Licensure Application Checklist for Change in Status Applicants. The Change in Status Application requires the applicant to attest they reviewed and accept responsibility for full knowledge and compliance by the facility and personnel with all applicable laws and regulations, including the Standard of Care rules in 25 TAC, Chapter 448.

HHSC has the authority to take action against an applicant or license holder that violates applicable statutes or rules. In accordance with the Administrative Procedure Act, Texas Government Code Chapter 2001, and with HSC Chapter 464 and 25 TAC §448.409, a license holder or applicant accused of a violation is entitled to due process, including notice and the opportunity for a hearing conducted by the State Office of Administrative Hearings.

### 3.0 Compliance

All licensed CDTFs must comply with statutes and rules listed in Section 2 of this letter. HHSC conducts routine inspections and investigates all complaints received to ensure statutory and rule compliance. Upon identification of statute or rule noncompliance, the facility receives a Notice of Findings and due process procedures are permitted as outlined in statute and rule. For compliance questions, please contact sacg@hhsc.state.tx.us.

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2 HHSC Form 3207, Chemical Dependency Treatment Facility License Application (January 2020).

3 HSC §464.006.

4 HHSC Form 3208, Chemical Dependency Treatment Facility Licensure Application Checklist for Initial Applicants (January 2020).

5 HHSC Form 3209, Chemical Dependency Treatment Facility Licensure Application Checklist for Change in Status Applicants (January 2020).
4.0 Background/History

As directed by the legislature, HHSC took over the regulation of CDTFs on September 1, 2017. On that date, HHSC adopted a policy of periodic inspection of all license holders. In addition, HHSC continues to investigate complaints received.

5.0 Resources

For more information on the laws and statutes governing CDTFs, please visit the Chemical Dependency Treatment Facilities webpage located at https://hhs.texas.gov/doing-business-hhs/provider-portals/health-care-facilities-regulation/chemical-dependency-treatment-facilities.

CDTF Licensure Application Form 3207.

CDTF Licensure Application Checklist for Initial Applicants Form 3208.

CDTF Licensure Application Checklist for Change in Status Applicants Form 3209.

6.0 Contact Information

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