



Substance Use Disorder Compliance Unit Guidance Letter

Number: GL 20-3004-A
Title: Emergency Rule Concerning Outpatient Chemical Dependency Treatment Services Via Electronic Means to Adolescents and Adults in Chemical Dependency Treatment Facilities (CDTFs) [Amended]
Provider Types: CDTFs
Date Issued: September 8, 2020

1.0 Subject and Purpose

This amended guidance letter replaces the previous GL 20-3004, issued on May 12, 2020, to notify providers that on September 8, 2020, the Health and Human Services Commission (HHSC) extended rule §448.911, related to Chemical Dependency Treatment Services Via Electronic Means to Adolescents and Adults in Chemical Dependency Treatment Facilities (CDTFs) in Response to COVID-19, for an additional 60 days. The emergency rule extension is effective until November 7, 2020 and can be viewed in the Texas Register under docket number **202001885**.

The Health and Human Services Commission (HHSC) adopted an emergency rule amendment in response to the state of disaster declared in Texas and the United States of America relating to COVID-19. Licensed CDTFs are now temporarily permitted to provide outpatient treatment services through electronic means to adolescent as well as adult clients in order to reduce the risk of COVID-19 transmission.

This letter describes the emergency rule amendment adopted during the disaster.

2.0 Emergency Rule Details

The emergency amendment to §448.911, Treatment Services Provided by Electronic Means, is adopted under Texas Administrative Code Title 25 (25 TAC), Part 1, Chapter 448, Subchapter I. Under this emergency rule amendment, CDTFs may provide outpatient treatment services through

electronic means to adolescent and adult clients in response to COVID-19. CDTFs must follow the operational requirements when providing services under this emergency rule amendment.

2.1 Emergency Rule Amendment to §448.911(a)(1) Treatment Services Provided by Electronic Means

Under the emergency rule amendment to §448.911(a)(1), CDTF personnel may temporarily provide outpatient treatment services through electronic means to adolescent and adult clients. This amendment is effective until it expires or is rescinded at an earlier date as determined by HHSC. The amended rule is reproduced below:

§448.911. Treatment Services Provided by Electronic Means.

(a) A licensed treatment program may provide outpatient chemical dependency treatment program services by electronic means provided the criteria outlined in this section are addressed.

(1) Services may be provided to adult and adolescent clients; [...]

The remainder of §448.911 remains unchanged.

3.0 Background/History

In accordance with Texas Government Code §2001.034, HHSC adopted an emergency rule amendment to §448.911(a)(1), relating to Treatment Services Provided by Electronic Means, in 25 TAC, Part 1, Chapter 448, Subchapter I on May 12, 2020, due to imminent peril to the public health, safety, or welfare. This emergency rule may not be effective for longer than 120 days and may not be renewed for longer than 60 days.

4.0 Resources

View the emergency rules in the Texas Register by searching Texas Register Docket Number (TRD ID): **202001885** at [https://texreg.sos.state.tx.us/public/regviewctx\\$.startup](https://texreg.sos.state.tx.us/public/regviewctx$.startup).

Governor Abbott's Disaster Declaration, provided at https://gov.texas.gov/uploads/files/press/DISASTER_covid19_disaster_proclamation_IMAGE_03-13-2020.pdf.

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@hsc.state.tx.us.