Substance Use Disorder Compliance Unit Guidance Letter

Number: GL 20-3006-A

Title: Emergency Rules Concerning Chemical Dependency Treatment Services Via Telephone and Internet and Service Delivery Documentation Deadlines in Chemical Dependency Treatment Facilities (CDTFs) [Amended]

Provider Types: CDTFs

Date Issued: August 26, 2020

1.0 Subject and Purpose

This amended guidance letter replaces the previous GL 20-3006, issued on April 29, 2020, to notify providers that on August 26, 2020, the Health and Human Services Commission (HHSC) extended rules §500.43, related to CDTF Service Delivery Through Two-Way, Real-Time Internet or Telephone Communications in Response to COVID-19, and §500.44, related to CDTF Treatment Planning and Service Provision Documentation Deadlines in Response to COVID-19, for an additional 60 days. The emergency rule extension is effective until October 25, 2020 and can be viewed in the Texas Register under docket number 202001711.

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 treatment services through two-way, real-time internet or telephone communications to clients in order to reduce the risk of transmission of COVID-19, and treatment planning and service provision documentation deadlines in CDTFs are temporarily extended, as counselor caseloads may have increased in intensive residential treatment programs in response to the COVID-19 pandemic.

This letter describes the emergency rules adopted during the disaster.

2.0 Policy Details & Provider Responsibilities

Emergency rules §500.43, CDTF Service Delivery Through Two-Way, Real-Time Internet or Telephone Communications in Response to COVID-19, and
§500.44, CDTF Treatment Planning and Service Provision Documentation Deadlines 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 §500.43 CDTF Service Delivery Through Two-Way, Real-Time Internet or Telephone Communications in Response to COVID-19

Under emergency rule §500.43, CDTF personnel may temporarily provide certain treatment services through two-way, real-time internet or telephone communications to clients in order to reduce the risk of transmission of COVID-19. The emergency rule is reproduced below:

§500.43. CDTF Service Delivery Through Two-Way, Real-Time Internet or Telephone Communications in Response to COVID-19.

   (a) A qualified credentialed counselor, licensed professional counselor, licensed chemical dependency counselor, licensed marriage and family therapist, licensed clinical social worker, or licensed professional counselor intern may provide intensive residential services required by 25 TAC §448.903(d)(1)-(2), supportive residential services required by 25 TAC §448.903(g)(1)-(2), intensive residential services in therapeutic communities required by §448.1401(g)(1)-(2), and adult supportive residential services in therapeutic communities required by §448.1401(k)(1)-(2) using two-way, real-time internet or telephone communications to provide services.

   (b) A licensed professional counselor intern may provide outpatient chemical dependency treatment program services using two-way, real-time internet or telephone communications to provide services.

   (c) Notwithstanding the provisions of §448.911, the professionals listed in §500.43(a) and in §500.41(e) may use two-way, real-time internet or telephone communications to provide services.

   (d) Any provision of services under this section shall comply with all applicable state and federal statutes and rules regarding recordkeeping, confidentiality, and privacy, including 25 TAC §448.508, 25 TAC §448.210, and 42 Code of Federal Regulations Part 2.
2.2 Emergency Rule §500.44 CDTF Treatment Planning and Service Provision Documentation Deadlines in Response to COVID-19

Under emergency rule §500.44, CDTF treatment planning and service provision documentation deadlines are temporarily extended to provide additional time to document service delivery, as counselor caseloads may have increased in intensive residential treatment programs in response to the COVID-19 pandemic. The emergency rule is reproduced below:

§500.44. CDTF Treatment Planning and Service Provision Documentation Deadlines in Response to COVID-19.

(a) Notwithstanding the deadline provision of 25 TAC §448.804(f), the client treatment plan required by 25 TAC §448.804 shall be completed and filed in the client record within seven business days of admission.

(b) Notwithstanding the deadline provision of 25 TAC §448.804(l), program staff shall document all treatment services (counseling, chemical dependency education, and life skills training) in the client record within seven business days, including the date, nature, and duration of the contact, the signature and credentials of the person providing the service, and the information required by §448.804(l)(1)-(2).

3.0 Background/History

In accordance with Texas Government Code §2001.034, HHSC adopted emergency rules §500.43, relating to CDTF Service Delivery Through Two-Way, Real-Time Internet or Telephone Communications in Response to COVID-19, and §500.44, relating to CDTF Treatment Planning and Service Provision Documentation Deadlines in Response to COVID-19, in 26 TAC, Part 1, Chapter 500, Subchapter D on April 29, 2020, 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.