



## Substance Use Disorder Compliance Guidance Letter

<b>Number:</b> GL 21-3004-A
<b>Title:</b> Outpatient Chemical Dependency Treatment Service Provision Through Electronic Means (HB 4-87R) [Amended]
<b>Provider Types:</b> Chemical Dependency Treatment Facilities
<b>Date Issued:</b> March 3, 2022

### 1.0 Subject and Purpose

This amended guidance letter replaces the previous GL 21-3004-A, issued on November 4, 2021, to notify providers the Health and Human Services Commission (HHSC) adopted rules in Texas Administrative Code Title 25 (25 TAC) Chapter 448, to implement [House Bill \(HB\) 4](#), Sections 8 and 9, which are described in this guidance letter. These rules, which took effect March 3, 2022, were published in the February 11, 2022 issue of the *Texas Register* (47 TexReg 655).

HHSC provides guidance to licensed providers on legislation passed during the 87<sup>th</sup> Legislature, Regular Session (2021). HB 4, relating to the provision and delivery of certain health care services in this state, including services under Medicaid and other public benefits programs, using telecommunications or information technology and to reimbursement for some of those services, took effect June 15, 2021.

This letter provides instruction to licensed chemical dependency treatment facilities (CDTFs) on the passage of HB 4 and outlines provider responsibilities and expectations.

### 2.0 Legislative Details & Provider Responsibilities

HB 4 amended Texas Health and Safety Code (HSC) Chapter 462 by adding [§462.015](#), which allows a licensed CDTF to provide outpatient chemical dependency treatment services to adult and adolescent clients using

telecommunications or information technology in a manner that complies with HHSC rules.<sup>1</sup>

HB 4 also amended [HSC §462.025](#) by adding subsection (d-1), which requires HHSC rules governing a CDTF's intake, screening, and assessment procedures to establish minimum standards for providing those services through telecommunications or information technology.<sup>2</sup>

HHSC proposed rules to implement new HSC §462.015 and amended HSC §462.025 in the [October 8, 2021 edition of the \*Texas Register\*](#).

## 2.1 HHSC CDTF Rules Implementing HB 4

To comply with HB 4's provisions described in Section 2.0 (above), HHSC adopted amendments to the following CDTF rules in [25 TAC Chapter 448](#):

- [§448.801, Screening and Assessment](#)
- [§448.803, Assessment](#)
- [§448.911, Treatment Services Provided by Electronic Means](#)

The amendment to §448.911(a)(1) permanently adopts the emergency rule amendment HHSC adopted in response to COVID-19, which allowed CDTFs to provide outpatient treatment services via electronic means to adults and adolescents. The emergency rule expired on March 2, 2022.

## 3.0 Background/History

The previous HHSC rule at [Texas Administrative Code Title 25 \(25 TAC\) §448.911](#) only allowed a CDTF to provide outpatient treatment services through electronic means to adults. In response to the state of disaster declared in Texas and the United States of America relating to COVID-19, HHSC adopted a temporary emergency rule amendment to 25 TAC §448.911 permitting a CDTF to also provide outpatient treatment services through electronic means to adolescents to reduce the risk of COVID-19 transmission.

HHSC received positive feedback from stakeholders regarding this emergency rule, including stakeholder requests for HHSC to adopt the emergency rule's provisions permanently in the rules governing licensed CDTFs. HB 4 codifies into law the provisions of the emergency rule

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<sup>1</sup> HSC §462.015(a).

<sup>2</sup> HSC §462.025(d-1).

amendment, and the permanent rules implementing HB 4, Sections 8 and 9, took effect March 3, 2022.

#### **4.0 Resources**

View Bill Number (87th Legislature, Regular Session, 2021) at:  
<https://capitol.texas.gov/tlodocs/87R/billtext/html/HB00004F.htm>.

View HSC Chapter 462 at:  
<https://statutes.capitol.texas.gov/Docs/HS/htm/HS.462.htm>.

View 25 TAC Chapter 448 at:  
[https://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac\\_view=4&ti=25&pt=1&ch=448](https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=4&ti=25&pt=1&ch=448).

View issues of the *Texas Register* at:  
<https://www.sos.texas.gov/texreg/index.shtml>.

To receive future updates, sign up for GovDelivery at:  
<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 unit by email at: [HCR\\_PRT@hhs.texas.gov](mailto:HCR_PRT@hhs.texas.gov).