



Substance Use Disorder Compliance Guidance Letter

Number: GL 21-3004
Title: Outpatient Chemical Dependency Treatment Service Provision Through Electronic Means (HB 4-87R)
Provider Types: Chemical Dependency Treatment Facilities
Date Issued: November 4, 2021

1.0 Subject and Purpose

The Texas Health and Human Services Commission (HHSC) provides guidance to licensed providers on legislation passed during the 87th Legislature, Regular Session (2021). [House Bill \(HB\) 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.¹

HB 4 also amended [HSC §462.025](#) by adding subsection (d-1), which requires HHSC rules governing a CDTF's intake, screening, and assessment

¹ HSC §462.015(a).

procedures to establish minimum standards for providing those services through telecommunications or information technology.²

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

3.0 Background/History

The current HHSC rule at [Texas Administrative Code Title 25 \(25 TAC\) §448.911](#) allows a CDTF to provide outpatient treatment services through electronic means to adults only. 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 amendment.

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 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.

² HSC §462.025(d-1).