



## Professional Licensing and Certification Guidance Letter

<b>Number:</b> GL 21-5001
<b>Title:</b> Licensed Chemical Dependency Counselor Intern Requirements During the COVID-19 Pandemic
<b>Provider Types:</b> Licensed Chemical Dependency Counselors
<b>Date Issued:</b> October 12, 2021

### 1.0 Subject and Purpose

The Health and Human Services (HHSC) adopted an emergency rule in response to the state of disaster declared in Texas and the United States of America relating to COVID-19.

Under the new emergency rule, effective October 12, 2021, certain licensed chemical dependency counselor (LCDC) interns with more than 1,000 hours of supervised work experience are now temporarily permitted to provide services in person or through two-way, real-time internet or telephone communications, and certain qualified counselor intern supervisors are now temporarily permitted to provide supervision through two-way, real-time internet or telephone communications to reduce the risk of transmission of COVID-19 and ensure that LCDC interns and their supervisors are able to continue working and providing treatment to their patients during the COVID-19 pandemic.

This letter describes the emergency rule adopted during the disaster.

### 2.0 Emergency Rule Details

Emergency rule §500.51, Supervision of LCDC Interns During the COVID-19 Pandemic, is now adopted in 26 TAC, Chapter 500.

Under emergency rule §500.51, counselor interns with more than 1,000 hours of supervised work experience may provide services to clients in person or through two-way, real-time internet or telephone communications. Also, supervisors of LCDC interns with less than 2,000 hours of supervised

work experience may provide supervision in person or through two-way, real-time internet or telephone communications. Finally, certified clinical supervisors, clinical training institution coordinators, and qualified credentialed counselors at clinical training institutions may provide supervision to a counselor intern using two-way, real-time internet or telephone communications to observe and document the intern performing assigned activities and to provide and document one hour of face-to-face individual or group supervision. The emergency rule is reproduced below:

§500.51. Supervision of LCDC Interns During the COVID-19 Pandemic.

- (a) Based on Governor Greg Abbott's March 13, 2020 declaration of a state of disaster in all Texas counties, the Texas Health and Human Services Commission (HHSC) adopts this emergency rule to establish continuing requirements and flexibilities to protect public health and safety during the COVID-19 pandemic. The requirements and flexibilities established in this section are applicable during an active declaration of a state of disaster in all Texas counties due to the COVID-19 pandemic, declared pursuant to §418.014 of the Texas Government Code.
- (b) A counselor intern with more than 1,000 hours of supervised work experience may provide services in person or using two-way, real-time internet or telephone communications.
- (c) Notwithstanding 25 TAC §140.422(c), the supervisor of a counselor intern with less than 2,000 hours of supervised work experience must be on site or immediately accessible by two-way, real-time internet or telephone communications when the intern is providing services.
- (d) When supervising a counselor intern as required by 25 TAC §140.422(d), (e), (g), and (h), the certified clinical supervisor, or the clinical training institution coordinator or intern's supervising qualified credentialed counselor at a clinical training institution, may use two-way, real-time internet or telephone communications to observe and document the intern performing assigned activities and to provide and document one hour of face-to-face individual or group supervision.
- (e) If an executive order or other direction is issued by the Governor of Texas, the President of the United States, or another applicable authority that is more restrictive than this section or any minimum standard relating to a licensed chemical dependency counselor (LCDC), the licensee must comply with the executive order or other direction.

### 3.0 Background/History

HHSC previously adopted emergency rule at §500.51, Supervision of LCDC Interns During the COVID-19 Pandemic, on April 15, 2021 and extended it on August 13, 2021. The emergency rule expired on October 11, 2021, and HHSC adopted a new replacement emergency rule, Supervision of LCDC Interns During the COVID-19 Pandemic, on October 12, 2021.

In accordance with Texas Government Code §2001.034, HHSC adopted emergency rule §500.51, Supervision of LCDC Interns During the COVID-19 Pandemic, in 26 TAC, Chapter 500 on October 12, 2021, 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): **202104026** at:  
[https://texreg.sos.state.tx.us/public/regviewctx\\$.startup](https://texreg.sos.state.tx.us/public/regviewctx$.startup).

View Governor Abbott's Disaster Declaration at:  
[https://gov.texas.gov/uploads/files/press/DISASTER\\_covid19\\_disaster\\_proclamation\\_IMAGE\\_03-13-2020.pdf](https://gov.texas.gov/uploads/files/press/DISASTER_covid19_disaster_proclamation_IMAGE_03-13-2020.pdf).

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).