



Substance Use Disorder Compliance Guidance Letter

Number: GL 21-3003-A

Title: Emergency Rule Amendments for Chemical Dependency Treatment Facility Abuse, Neglect, and Exploitation Training and Nonviolent Crisis Intervention Training Requirements in Response to COVID-19 [Amended]

Provider Types: Chemical Dependency Treatment Facilities

Date Issued: November 23, 2021

1.0 Subject and Purpose

This amended guidance letter replaces the previous GL-21-3003, to notify providers that on November 23, 2021, the Health and Human Services Commission (HHSC) extended the emergency rule amendments to §448.603, Training, in Texas Administrative Code Title 25 (25 TAC), Chapter 448, Subchapter F for an additional 60 days. The emergency rule extension is effective until January 21, 2022 and can be viewed in the *Texas Register* under docket number **202102839**.

HHSC adopted emergency rule amendments in response to the state of disaster declared in Texas and the United States of America relating to COVID-19. Under the emergency rule amendments, currently licensed chemical dependency treatment facilities (CDTFs) are temporarily permitted to provide abuse, neglect, and exploitation (ANE) training and Nonviolent Crisis Intervention (NVC) training to staff through live, interactive, instructor-led, electronic means, in addition to in person, to reduce the risk of COVID-19 transmission.

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

2.0 Emergency Rule Details

The emergency amendments to §448.603, Training, are adopted under Texas Administrative Code Title 25 (25 TAC), Part 1, Chapter 448, Subchapter F. Under these emergency rule amendments, CDTFs may

temporarily provide training related to ANE and NVCI to staff through live, interactive, instructor-led, electronic means performed using synchronous audiovisual interaction. The remainder of §448.603 remains unchanged.

CDTFs must follow all other staff training requirements when providing ANE and NVCI training under these emergency rule amendments.

2.1 Emergency Rule Amendment to §448.603(d)(1) Training

Under the emergency rule amendment to §448.603(d)(1), CDTF personnel may temporarily provide ANE training to staff through live, interactive, instructor-led, electronic means performed using synchronous audiovisual interaction. This amendment is effective until it expires or is rescinded at an earlier date as determined by HHSC. The amended rule is reproduced below:

§448.603. Training.

(d) The following initial training(s) must be received within the first 90 days of employment and must be completed before the employee can perform a function to which the specific training is applicable. Subsequent training must be completed as specified.

(1) Abuse, Neglect, and Exploitation. All residential program personnel with any direct client contact shall receive eight hours of live, interactive, instructor-led, electronic or face-to-face abuse, neglect, and exploitation training. All outpatient program personnel with any direct client contact shall receive two hours of live, interactive, instructor-led, electronic or face-to-face abuse, neglect, and exploitation training.

The remainder of §448.603 remains unchanged, except for §448.603(d)(4).

2.2 Emergency Rule Amendment to §448.603(d)(4) Training

Under the emergency rule amendment to §448.603(d)(4), CDTF personnel may temporarily provide NVCI training to staff through live, interactive, instructor-led, electronic means performed using synchronous audiovisual interaction. The amendment is effective until it expires or is rescinded at an earlier date as determined by HHSC. The amended rule is reproduced below:

§448.603. Training.

(d) The following initial training(s) must be received within the first 90 days of employment and must be completed before the employee can perform a function to which the specific training is applicable. Subsequent training must be completed as specified.

(4) Nonviolent Crisis Intervention. All direct care staff in residential programs and outpatient programs shall receive this training. The live, interactive, instructor-led, electronic or face-to-face training shall teach staff how to use verbal and other non-physical methods for prevention, early intervention, and crisis management. The instructor shall have documented successful completion of a course for crisis intervention instructors or have equivalent documented training and experience.

(A) The initial training shall be four hours in length.

(B) Staff shall complete two hours of annual training thereafter.

The remainder of §448.603 remains unchanged.

3.0 Background/History

HHSC adopted emergency rule amendments for CDTF ANE and NVCI training on January 27, 2021 and extended them on May 27, 2021. The emergency rule expired on July 25, 2021.

In accordance with Texas Government Code §2001.034, HHSC adopted emergency rule amendments to §448.603(d), relating to Training, in 25 TAC, Part 1, Chapter 448, Subchapter F on July 26, 2021, due to imminent peril to the public health, safety, or welfare. These emergency rule amendments 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 rule amendments in the Texas Register by searching Texas Register Docket Number (TRD ID): **202102839** 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.

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.