



Substance Use Disorder Compliance Guidance Letter

Number: GL 24-3000
Title: Dangers of Substance Misuse Educational Program (HB 5183-88R)
Provider Types: Chemical Dependency Treatment Facilities
Date Issued: May 1, 2024

1.0 Subject and Purpose

The Texas Health and Human Services Commission (HHSC) provides guidance to licensed chemical dependency treatment facilities (CDTFs) on enacted legislation that impacts their provider type. [House Bill \(HB\) 5183](#), relating to educational programs for persons whose driver's license is suspended following conviction of certain drug offenses, took effect June 18, 2023.

This letter provides instruction to CDTFs regarding HB 5183 and outlines provider responsibilities and expectations.

2.0 Background and History

HB 5183 (88th Legislature, Regular Session, 2023) was passed to address the inconsistencies in [Senate Bill \(SB\) 181](#) (87th Legislature, Regular Session, 2021). As stated in [HB 5183's author's and sponsor's statement of intent](#), HB 5183 seeks to provide clarity regarding the duty of state agencies relating to CDTFs and equivalent education programs for individuals whose driver's license is suspended following conviction of certain drug offenses.

3.0 Legislative Details & Provider Responsibilities

HB 5183, in part, amended Texas Transportation Code (TTC) Chapter 521 by amending [TTC Section 521.374](#), [TTC Section 521.375](#), and [TTC Section 521.376](#).

Amended TTC Section 521.374 requires HHSC to approve a substance misuse educational program, which a residential CDTF licensed under [Texas](#)

[Health and Safety Code Chapter 464](#) may provide a client whose driver's license was suspended under [TTC 521.372](#), as equivalent to an educational program approved by the Texas Department of Licensing and Regulation under [Texas Government Code Chapter 171](#).

Amended TTC Section 521.375 replaces the "Department of State Health Services" (DSHS) with the "Health and Human Services Commission" to clarify HHSC must jointly adopt rules with the Texas Department of Public Safety for the qualification and approval of equivalent education a residential CDTF provides under TTC Section 521.374. This clarification reflects the transition of regulatory authority for CDTFs from DSHS to HHSC.

Amended TTC Section 521.376 requires HHSC to monitor a CDTF's compliance with providing an equivalent substance misuse education program. Amended [TTC Section 521.376\(b\)\(2\)](#) also requires HHSC to administer the approval of this equivalent education provided in a CDTF.

To comply with HB 5183's provisions and TTC Sections 521.374, 521.375, and 521.376, HHSC is currently working on proposing a new rule at Texas Administrative Code Title 26 (26 TAC) Section 564.39. HHSC will publish this new rule in the *Texas Register* for public comment in the coming months before adopting the proposed rules.

Note: HHSC encourages stakeholders interested in commenting on the proposed rules to [sign up for GovDelivery](#) to receive notice regarding when the proposed rules publish for formal comment in the Texas Register.

4.0 Resources

Review HB 5183 (88th Legislature, Regular Session, 2023) at: capitol.texas.gov/tlodocs/88R/billtext/html/HB05183F.htm.

Review SB 181 (87th Legislature, Regular Session, 2021) at: capitol.texas.gov/tlodocs/87R/billtext/html/SB00181F.htm.

Review HB 5183's Author's/Sponsor's Statement of Intent at: capitol.texas.gov/tlodocs/88R/analysis/html/HB05183S.htm.

Review Texas Transportation Code Chapter 521 Driver's Licenses and Certificates at: statutes.capitol.texas.gov/Docs/TN/htm/TN.521.htm#521.

Review Texas Health and Safety Code Chapter 464 Facilities Treating Persons with a Chemical Dependency at: statutes.capitol.texas.gov/Docs/HS/htm/HS.464.htm.

Review Texas Government Code Chapter 171 Educational Programs Regulated by Texas Department of Licensing and Regulation at: <https://statutes.capitol.texas.gov/Docs/GV/htm/GV.171.htm>.

To receive notice regarding when the proposed rule publishes for formal comment in the *Texas Register* and to receive future updates, sign up for GovDelivery at: service.govdelivery.com/accounts/TXHHSC/subscriber/new.

5.0 Contact Information

Email the Policies and Rules Unit at HCR_PRU@hhs.texas.gov if you have any questions about this letter.