



August 20, 2012

Guidance regarding 25 Texas Administrative Code (TAC), §448.401(b), which states: “The facility shall have a license for each physical location at which it provides residential services or outpatient services.”

The Department of State Health Services (department), Division for Regulatory Services, has received a number of inquiries related to the licensing requirement found at 25 TAC §448.401(b), particularly as the rule relates to certain recipients of federal block grant funding administered by the Substance Abuse and Mental Health Services Administration (SAMHSA) who are required to use an evidence-based curriculum for youth that includes home and community-based components as part of the treatment model.

The department will offer stakeholders an opportunity to specifically address the requirement found at 25 TAC §448.401(b) when the licensing rules for Chemical Dependency Treatment Facilities are updated.

However, during the interim period, the department is providing this guidance document to assist facilities seeking to comply with the requirements found in existing rule while offering evidence-based treatment programs with curricula that include specifically defined home and/or community-based services as adjuncts to a facility-based treatment program.

In determining the physical locations a facility is required to license for chemical dependency treatment, department licensing and compliance staff will evaluate the services being provided at each location. Services may be offered in a home or within the community provided they are limited and well-defined, and in conjunction with a licensed facility-based treatment program and as part of an evidence-based curriculum and model of treatment. This type of service will not require a license; however, treatment components that are required under 25 TAC Chapter 448, such as individual counseling, group counseling, and education sessions, must be offered at a licensed facility.

Facilities should ensure that any use of home and/or community-based services is clearly defined in writing, effectively implemented as written, and includes the following:

- Identification of the specific home or community-based services and methodology to be provided and how those services enhance and are integral to the treatment program provided by the licensed facility at its licensed location. This should include identification of the specific evidence-based treatment program curriculum that requires such services;
- Identification and implementation of specific evidence-based strategies for decreasing substance use and abuse and increasing the effectiveness of relapse prevention activities; and

- Quality monitoring and written evaluation of the facility's treatment program, including detailed, evidence-based monitoring and evaluation of the quality and effectiveness of any home and/or community-based services. These quality management activities and processes must be consistent with the requirement found at 25 TAC §448.504.

This guidance does not constitute a limitation on any legal requirement or replace the fact and case-specific nature of any licensure or compliance evaluation or decision.

If you have further questions regarding this guidance document or a licensing requirement, please contact Ellen Cooper, Facility Licensing Group Manager, at (512) 834-6639 or via email at Ellen.Cooper@dshs.state.tx.us.