



TEXAS DEPARTMENT OF STATE HEALTH SERVICES

DAVID L. LAKEY, M.D.
COMMISSIONER

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September 1, 2011

Dear Chemical Dependency Treatment Provider:

This letter is being sent to inform you of Senate Bill 1449, which was passed during the 82nd Regular Session of the Texas Legislature. The new law becomes effective on September 1, 2011 and allows the department to accept an accreditation review from an accreditation commission for a treatment facility instead of an inspection by the department for renewal of a license under Section 464.005, but only if:

1. the treatment facility is accredited by the Commission on Accreditation of Rehabilitation Facilities, the Joint Commission, or another national accreditation organization recognized by the department;
2. the accreditation commission maintains and updates an inspection or review program that, for each treatment facility, meets the department's applicable minimum standards;
3. the accreditation commission conducts a regular on-site inspection or review of the treatment facility according to the accreditation commission's guidelines; and
4. the treatment facility submits to the department a copy of its most recent accreditation review from the accreditation commission in addition to the application, fee, and any report or other document required for renewal of a license.

This law applies only to the renewal of a license to operate a chemical dependency treatment facility that expires on or after September 1, 2011 and does not limit the Department in performing any duties, investigations, or inspections as authorized by law.

If you have further questions regarding this issue, please contact Ellen Cooper, Manager, Health Facility Licensing Group via e-mail at: Ellen.Cooper@dshs.state.tx.us or via phone at: (512) 834-6639.

Sincerely,

A handwritten signature in black ink that reads "Renee Clack".

Renee Clack, L.N.F.A.
Director, Health Care Quality Section
Division for Regulatory Services

S.B. No. 1449

AN ACT

relating to an alternative method of satisfying certain licensing requirements for chemical dependency treatment facilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (b), Section 464.005, Health and Safety Code, is amended to read as follows:

(b) The Department of State Health Services [~~commission~~] may require an inspection before renewing a license, unless the applicant submits an accreditation review from the Commission on Accreditation of Rehabilitation Facilities, the Joint Commission, or another national accreditation organization recognized by the department in accordance with Section 464.0055.

SECTION 2. Subchapter A, Chapter 464, Health and Safety Code, is amended by adding Section 464.0055 to read as follows:

Sec. 464.0055. ACCREDITATION REVIEW TO SATISFY INSPECTION REQUIREMENTS. (a) In this section:

(1) "Accreditation commission" means the Commission on Accreditation of Rehabilitation Facilities, the Joint Commission, or another national accreditation organization recognized by the Department of State Health Services.

(2) "Department" means the Department of State Health Services.

(b) The department shall accept an accreditation review from an accreditation commission for a treatment facility instead of an inspection by the department for renewal of a license under Section 464.005, but only if:

(1) the treatment facility is accredited by the Commission on Accreditation of Rehabilitation Facilities, the Joint Commission, or another national accreditation organization recognized by the department;

(2) the accreditation commission maintains and updates an inspection or review program that, for each treatment facility, meets the department's applicable minimum standards;

(3) the accreditation commission conducts a regular on-site inspection or review of the treatment facility according to the accreditation commission's guidelines;
and

(4) the treatment facility submits to the department a copy of its most recent accreditation review from the accreditation commission in addition to the application, fee, and any report or other document required for renewal of a license.

(c) This section does not limit the department in performing any duties, investigations, or inspections authorized by this chapter, including authority to take appropriate action relating to a treatment facility, such as closing the treatment facility.

(d) This section does not require a treatment facility to obtain accreditation from an accreditation commission.

SECTION 3. Section 464.005, Health and Safety Code, as amended by this Act, and Section 464.0055, Health and Safety Code, as added by this Act, apply only to the renewal of a license to operate a chemical dependency treatment facility that expires on or after the effective date of this Act. A license that expires before that date is governed by the law in effect on the date the license expires, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2011.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1449 passed the Senate on May 10, 2011, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 27, 2011, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1449 passed the House, with amendment, on May 23, 2011, by the following vote: Yeas 142, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor