

BILL ANALYSIS

Senate Research Center

H.B. 2481
By: Swinford (Sibley)
Health & Human Services
5-16-97
Engrossed

DIGEST

Current Texas law prohibits anyone from offering or purporting to offer chemical dependency treatment without a license. "Treatment" is defined broadly to encompass virtually all organized efforts to promote a person "chemical-free status or the maintenance of a person free of illegal drugs." To acquire a license, Texas law mandates compliance with licensing standards issued by the Texas Commission on Alcohol and Drug Abuse (TCADA). These detailed standards embrace a strict "medical" mode of addiction treatment and regulate every aspect of a treatment facility including organization, structure, policies and procedures, staffing requirements, services, and other requirements. The TCADA definition of what constitutes bona fide treatment, however, rejects the unique nature and philosophy of "faith-based" treatment programs. This bill sets forth provisions regarding faith-based chemical dependency treatment programs and counselors.

PURPOSE

As proposed, H.B. 2481 sets forth provisions regarding faith-based chemical dependency treatment programs and counselors.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Commission on Alcohol and Drug Abuse in SECTION 1 (Section 464.053, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 464, Health and Safety Code, by adding Subchapter C, as follows:

SUBCHAPTER C. FAITH-BASED CHEMICAL DEPENDENCY TREATMENT PROGRAMS

Sec. 464.051. DEFINITIONS. "chemical dependency," "commission," "religious organization," "treatment," and "treatment facility."

Sec. 464.052. EXEMPTION FOR FAITH-BASED CHEMICAL DEPENDENCY TREATMENT PROGRAM. Provides that Subchapter A does not apply to a chemical dependency program that fulfills certain qualifications. Prohibits the Texas Commission on Alcohol and Drug Abuse (TCADA) from prohibiting the use, by a program exempted under this subchapter (program), of the term "counseling," "treatment," or "rehabilitation."

Sec. 464.053. EXEMPT PROGRAM REGISTRATION. Requires TCADA, by rule, to establish a simple procedure for a faith-based chemical dependency treatment program to register the program's exemption under Section 464.052.

Sec. 464.054. MEDICAL SERVICES PROHIBITED. Prohibits a program from providing medical care, medical detoxification, or medical withdrawal services.

Sec. 464.055. REPRESENTATION IN PROGRAM ADVERTISING OR LITERATURE. Requires a program to conspicuously include in any advertisement or literature that promotes

or describes the program or the program's chemical dependency treatment services a certain statement.

Sec. 464.0456. **DECLARATION ON ADMISSION.** Prohibits a program from admitting a person unless the persons signs a statement on admission. Sets forth the contents of this statement.

Sec. 464.057. **REVOCAION OF EXEMPTION.** Authorizes TCADA to revoke the exemption after notice and hearing under certain conditions.

Sec. 464.058. **GENERAL DIRECTIVE TO STATE AGENCIES.** Prohibits a state agency from denying to an individual a state or federal social service benefit on the basis that individual is participating in a faith based residential chemical dependency treatment program.

Sec. 464.059. **RELIGION NOT ENDORSED.** Provides that this subchapter is intended to combat chemical dependency not endorse religious beliefs, doctrines, or practices.

Sec. 464.060. **DIRECT PUBLIC FUNDING PROHIBITING.** Provides that a program exempted under this subchapter is not eligible to compete against a licensed program for direct federal or state treatment funding.

Sec. 464.061. **EFFECT ON HEALTH AND SAFETY DUTIES OR POWERS.** Provides that this subchapter does not affect the authority of certain state health department officials, the state fire marshal, or a local fire prevention official to inspect a facility used by a program exempted under this subchapter.

SECTION 2. Amends Chapter 33, Human Resources Code, by adding Section 33.012, as follows:

Sec. 33.012. **CHEMICAL DEPENDENCY TREATMENT PROGRAM AS REPRESENTATIVE.** Requires the Texas Department of Human Services to provide an individual's food stamp allotment to the residential chemical dependency treatment program in which the person resides to the extent allowed under Section 8(f), Food Stamp Act of 1977 (7 U.S.C. Section 2017(e)), under certain conditions.

SECTION 3. Amends Section 464.002, Health and Safety Code, to prohibit a person from offering or purporting to offer chemical dependency treatment without a license issued under this subchapter, unless the person is exempted under Subchapter C or is working for or providing counseling with a program exempted under Subchapter C.

SECTION 4. Amends Section 3(b), Article 4512o, V.T.C.S., to provide that this Act does not apply to certain activities and services of a person who is working for or providing counseling with a program exempted under Subchapter C, Chapter 464, Health and Safety Code.

SECTION 5. Effective date: September 1, 1997.

SECTION 6. Emergency clause.