Health Facility Licensing Guidance Letter

<table>
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<th>Number: GL 20-1006</th>
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<td>Title: Emergency Rule Permitting Designation of Licensed Hospital Space in Response to COVID-19</td>
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<td>Provider Types: General and Special Hospitals</td>
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<td>Date Issued: April 23, 2020</td>
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1.0 Subject and Purpose

The Health and Human Services Commission (HHSC) adopted an emergency rule in response to the state of disaster declared in Texas and the United States of America relating to COVID-19. Currently licensed hospitals are now temporarily permitted to designate a specific part of its hospital for use as an off-site facility by another hospital, and to allow another currently licensed hospital to apply to use that designated hospital space as an off-site facility under its license for inpatient care in response to the COVID-19 pandemic.

This letter reproduces the emergency rule adopted during the disaster.

2.0 Policy Details & Provider Responsibilities

Emergency rule §500.3, related to Designation of Licensed Hospital Space in Response to COVID-19, is adopted under Texas Administrative Code Title 26 (26 TAC), Part 1, Chapter 500, Subchapter A. Under this emergency rule, a currently licensed hospital may use Form 3220 to designate a specific part of its hospital for use as an off-site facility by another hospital, and another currently licensed hospital may use Form 3220 to apply to use that designated hospital space as an off-site facility under its license for inpatient care in response to COVID-19.

2.1 Emergency Rule §500.3 Designation of Licensed Hospital Space in Response to COVID-19

The emergency rule is reproduced below:
§500.3 Designation of Licensed Hospital Space in Response to COVID-19

(a) Using a form prescribed by HHSC, a hospital currently licensed under Health and Safety Code Chapter 241 may designate a specific portion of its facility for use as an off-site facility by another hospital. A portion of the facility designated under this subsection may not be used under the designating hospital’s license while the designation is effective.

(b) Another hospital currently licensed under Health and Safety Code Chapter 241 may apply to use a portion of the facility designated under subsection (a) as an off-site facility for inpatient care under §500.1 of this title in the same manner as it would apply to use a facility described by §500.1(b)(2).

(c) A hospital that uses a portion of the facility designated under subsection (a) as an off-site facility for inpatient care is responsible under its license for complying with all applicable federal and state statutes and rules, including §500.1, while using the portion of the facility.

(d) A hospital may withdraw its designation of the portion of the facility upon 10 days’ notice to HHSC and to the hospital using the portion of the facility as an off-site facility. HHSC, at its sole discretion, may withdraw a hospital’s designation of the portion of the facility at any time. Any patients being treated in the portion of the facility shall be safely relocated or transferred as soon as practicable according to the policies and procedures of the hospital using the portion of the facility as an off-site facility.

3.0 Background/History

In accordance with Texas Government Code §2001.034, HHSC adopted emergency rule §500.3, relating to Designation of Licensed Hospital Space in Response to COVID-19, on April 23, 2020 in 26 TAC, Part 1, Chapter 500, Subchapter A due to imminent peril to the public health, safety, or welfare. This emergency rule 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 in the Texas Register by searching Texas Register Docket Number (TRD ID): 202001571 at https://texreg.sos.state.tx.us/public/reqviewctx$.startup.

5.0 Contact Information

If you have any questions about this letter, please contact the Policy, Rules, and Training Section by email at: HCQ_PRT@hhsc.state.tx.us.