Health Facility Licensing Guidance Letter

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<th>Number:</th>
<th>GL 20-1006-A</th>
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<td>Title:</td>
<td>Emergency Rule Permitting Designation of Licensed Hospital Space in Response to COVID-19 [Amended]</td>
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<td>Provider Types:</td>
<td>General and Special Hospitals</td>
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<td>August 20, 2020</td>
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1.0 Subject and Purpose

This amended guidance letter replaces the previous GL 20-1006, issued on April 23, 2020, to notify providers that on August 20, 2020, the Health and Human Services Commission (HHSC) extended rule §500.3, related to Designation of Licensed Hospital Space in Response to COVID-19, for an additional 60 days. The emergency rule extension is effective until October 19, 2020 and can be viewed in the Texas Register under docket number 202001571.

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/regviewctx$.startup.


To receive future updates, sign up for GovDelivery: https://service.govdelivery.com/accounts/TXHHSC/subscriber/new.

5.0 Contact Information

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