



## Health Facility Licensing Guidance Letter

<b>Number:</b> GL 20-2012-A-1
<b>Title:</b> ASC Services and Reporting Requirements in Response to COVID-19 [Amended]
<b>Provider Types:</b> Ambulatory Surgical Centers
<b>Date Issued:</b> August 6, 2020

### 1.0 Subject and Purpose

This amended guidance letter replaces the previous GL 20-2012-A, issued on July 27, 2020, to notify providers that on July 24, 2020, the Health and Human Services Commission (HHSC) extended emergency rule amendments to §135.2, Definitions, and §135.26, Reporting Requirements, for an additional 60 days. The emergency rule extension is effective until September 22, 2020 and can be viewed in the Texas Register under docket number **202001270**.

The Health and Human Services Commission (HHSC) has adopted emergency rules in response to the state of disaster declared in Texas and the United States of America relating to COVID-19. Ambulatory surgical centers (ASCs) will now be permitted to expand their services beyond surgical services and keep patients for longer periods of time in response to the COVID-19 pandemic.

### 2.0 Emergency Rule Details

The emergency rule amends the definition of ASC in 25 TAC §135.2, Definitions. Under this emergency rule, an ASC licensed under Health and Safety Code Chapter 243 may provide surgical services and other health care services to patients and may keep patients for longer than 23 hours.

The emergency rule also amends 25 TAC §135.26, Reporting Requirements. Under this emergency rule, an ASC licensed under Health and Safety Code Chapter 243 does not have to report the following incidents to HHSC:

- (1) the transfer of a patient to a hospital; or

(2) a patient stay exceeding 23 hours.

A licensed ASC must still comply with existing requirements to report:

(1) the death of a patient while under the care of the ASC; and

(2) patient development of complications within 24 hours of discharge from the ASC resulting in admission to a hospital.

### **3.0 Background/History**

In accordance with Texas Government Code §2001.034, HHSC has adopted emergency rule amendments in §135.2 and §135.26 in Texas Administrative Code (TAC), Title 25, Chapter 135, Subchapter A, Operating Requirements for Ambulatory Surgical Centers, 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 emergency rule §135.2 and §135.26 in the Texas Register by searching Texas Register Docket Number (TRD ID): **202001270** at [https://texreg.sos.state.tx.us/public/regviewctx\\$.startup](https://texreg.sos.state.tx.us/public/regviewctx$.startup).

Governor Abbott's Disaster Declaration, provided at [https://gov.texas.gov/uploads/files/press/DISASTER\\_covid19\\_disaster\\_proclamation IMAGE 03-13-2020.pdf](https://gov.texas.gov/uploads/files/press/DISASTER_covid19_disaster_proclamation_IMAGE_03-13-2020.pdf)

### **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@hhs.state.tx.us](mailto:HCR_PRT@hhs.state.tx.us).