



March 29, 2021

The Honorable Greg Abbott  
Office of the Governor  
P.O. Box 12428  
Austin, TX 78711-2428

Re: Texas Medical Association, Texas Hospital Association, Texas Nurses Association, Coalition of Texans with Disabilities and Disability Rights Texas Urgent Recommendation Regarding Mass Critical Care Guidelines

Dear Governor Abbott:

As representatives of the hundreds of thousands of frontline health care workers across the continuum of care, we thank you for your relentless efforts to assist our physicians, professionals, and facilities in caring for the citizens of Texas during this pandemic crisis. We are joined by representatives of the community of people with disabilities with whom we collaborated on the OCR-approved regional Texas mass critical care guidelines.

We encourage you to endorse the use of mass critical care guidelines in the State of Texas during the COVID-19 response or in other future emergencies. Current versions of such guidelines are based on bioethical principles to prioritize the preservation of life as much as possible, and the U.S. Health and Human Services Office for Civil Rights recently approved two Texas regional versions as having the appropriate protections to avoid potential discrimination.

The adoption of set mass critical care guidelines will assist providers and facilities as they work to address hospital capacity constraints and balance individuals' unique clinical needs. This might include:

1. Nurses and physicians staffed at ratios outside "normal" parameters;
2. Clinical decisions in emergency departments and intensive care units (ICUs) disrupted by lack of capacity in equipment, space, and staff; and,

3. Opportunities to transfer patients to other facilities with appropriate capacity or capabilities, as necessary.

Triage during times of limited capacity should be focused on saving as many lives as possible, even when resources are limited and facilities can no longer accommodate transfers. In these situations, physicians across the state are forced to make excruciating decisions to allocate limited health care resources – despite the best attempts of state leadership to ensure otherwise.

We know this is a difficult subject. However, we suggest there is a difference between “activation of guidelines” and the application of those guidelines. These painful decisions are easier to face, less variable, and more justly applied when based on agreed-upon (and officially state endorsed) clinical guidelines.

The physicians, nurses, and hospitals of Texas ask for your endorsement of the use of mass critical care guidelines to assist with this decision-making. The attached guidelines are an example of evidence-based criteria for medical decision-making during crisis circumstances, including the COVID-19 public health emergency, should demand for intensive care services increase beyond standard operating levels and supplies. Their stated purpose is assist clinical decision makers should they need to allocate scarce health care resources to those who are most likely to benefit medically during a pandemic respiratory crisis or other emergency situation that has the potential to overwhelm available intensive care resources.

We believe that every patient should receive all possible respect, care, compassion, and access to care, without regard to race, ethnicity, color, national origin, religion, sex, disability, veteran status, age, genetic information, sexual orientation, gender identity, stereotypes, perceived value of life or any other distinguishing characteristic, and in compliance with state and federal regulations, including endorsements of the use of critical care guidelines. This does not ensure all patients should or will receive the same treatment under crisis conditions. Decisions are based on individualized clinical assessment of each patient.

We respectfully ask that you:

1. Endorse the use of guidelines based upon the latest recommendations from entities such as the National Academy of Medicine and the Texas regional models, as approved by the U.S. Office for Civil Rights. We ask that you support **activation and application** as deemed necessary by local health care leaders responding to the facts on the ground in their region.
2. Instruct all relevant agencies and offices to suspend any license reviews/disciplinary actions, criminal penalties, and civil damages for following mass critical care guidelines, provided the guidelines were activated pursuant to their terms. Physicians and health care professionals need to know they will not be subjected to civil, criminal, or regulatory review when operating consistent with mass critical care guidelines whose purpose is to save lives while avoiding discrimination.

We thank you for your consideration of this important request.

Sincerely,

Diana L. Fite, MD  
President  
Texas Medical Association



Physicians Caring for Texans

Ted Shaw  
President and Chief Executive Officer  
Texas Hospital Association



Cindy Zolnierok PhD, RN, CAE  
Chief Executive Officer  
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Lisa Snead  
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