



FAQs on Providing Services During the COVID-19 Emergency

Gov. Abbott's Executive Order GA 34

The Texas Hospital Association offers answers to member hospitals' questions about Gov. Greg Abbott's Executive Order GA 34 issued March 2, 2021 and effective March 10, 2021.

1. Where can I find GA 34?

GA 34 may be accessed [here](#).

2. What does GA 34 order?

GA 34 rescinds most hospital operating restrictions imposed under prior Executive Orders (see #6 below).

In an "area of high hospitalization", GA 34 allows a county judge to implement certain mitigation strategies.

Such requirements could include a restriction for businesses and other establishments to operate at no less than 50% of total capacity. Capacity limitations cannot be imposed on religious services, schools or child-care services.

In all counties not in an "area with high hospitalizations", there are no COVID-19-related operating limits for any business or other establishment and, while individuals are strongly encouraged to wear face masks, no person may be required by any jurisdiction to wear a face mask.

3. What are "areas with high hospitalizations?"

"Area with high hospitalizations" is defined as any [Texas Trauma Service Areas](#) with seven consecutive days in which the number of COVID-19 hospitalized patients as a percentage of total hospital capacity exceeds 15%. A TSA will remain an "area with high hospitalizations" until its percentage of COVID-19 hospitalized patients drops below the 15% threshold for seven consecutive days.

The updated list of "areas with high hospitalizations" may be found at: www.dshs.texas.gov/ga3031.

4. Can a hospital require staff and visitors to use masks?

Individual businesses and establishments may require customers and members of the public to follow hygiene standards or wear a mask. The specific language of the order states that nothing in the order precludes businesses or other establishments from requiring employees or customers to follow additional hygiene measures, including the wearing of a face covering.

Hospitals will want to consider posting masking requirements and develop protocols to respond to those who believe that the mask requirement has been revoked in its entirety.

The State of Texas will not require masks or impose statewide operating limits. No jurisdiction (state or local) may impose any penalty for failure to wear a mask.

5. How long will GA 34 remain in effect?

GA 34 remains in effect and in full force until it is modified, amended, rescinded or superseded by the Governor. Therefore, GA 34 does not have an end date noted in the order.

6. Does GA 31 (hospital capacity) remain in effect?

No. Prior executive order GA 31 is rescinded in its entirety. This includes GA 31's requirement to reserve 10% of the hospital's capacity to treat COVID-19 patients, any requirements concerning "nonessential" surgeries or procedures, and the waiver of following provisions of the Texas Administrative Code:

- 25 TAC Sec. 133.162(d)(4)(A)(iii)(I): New Construction Requirements for Hospitals (Piping System Requirements).
- 25 TAC Sec. 133.163(f)(1)(A)(i)(II)–(III): Requirements for New Construction (Emergency Suite).
- 25 TAC Sec. 133.163(f)(1)(B)(i)(III)–(IV): Requirements for New Construction (Holding or Observation Room Area).
- 5 TAC Sec. 133.163(m)(1)(B)(ii): Intermediate care suite (Step Down Suite) Architectural Requirements.
- 25 TAC Sec. 133.163(t)(1)(B)(iii)–(iv): Hospital Inpatient Nursing Unit Architectural Requirements.
- 25 TAC Sec. 133.163(t)(1)(C): Hospital Inpatient Nursing Unit Architectural Requirements.
- 25 TAC Sec. 133.163(t)(5)(B)–(C): Hospital Inpatient Nursing Unit Architectural Requirements.

7. Which other executive orders remain in effect?

GA 34 explicitly states that [GA 17 \(Governor's COVID-19 Strike Force\)](#), [GA 25 \(Jail Visitation\)](#), [GA 29 \(Masking\)](#), [GA 31 \(Hospital Capacity\)](#), and [GA 32 \(Business Capacity\)](#) are rescinded or superseded. [GA 10 \(Hospital Daily COVID-19 Reporting\)](#) and [GA 13 \(County and Municipal Jails\)](#) remain in effect.

8. Does GA 34 affect HHSC's visitation rule?

No. The Texas Health and Human Services Commission's [emergency rule regarding screening and access](#) remains in place. Under the emergency rule, hospitals must:

- adopt, implement and enforce written policies and procedures to screen each person entering the hospital and restrict visitor access as the hospital determines necessary to limit the spread of COVID-19;

- limit visitors allowed in the facility to the extent the hospital determines such limitation is necessary to prevent or control a COVID-19-related health and safety risk;
- adopt, implement, and enforce written policies and procedures to screen each person entering the hospital, using criteria based on state, local, and federal guidance, and prohibit entry of any person who does not meet the screening criteria; and,
- not prohibit government personnel performing their official duties from entering the hospital, unless the person fails to meet the hospital's screening criteria.

This rule was re-issued on Jan. 23 and is effective for 60 days, through March 23.

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