

March 3, 2022

Via electronic submission

Cecile Erwin Young
Executive Commissioner
Health Care Regulation
Texas Health & Human Services

Re: State Licensure Requirements on Exceeding Bed Capacity During the Novel Coronavirus Outbreak and Emergency Rule § 500.1, Hospital Off-Site Facilities in Response to COVID-19

Dear Commissioner Young:

On behalf of our more than 470 member hospitals, including rural, urban, children's, teaching and specialty hospitals, the Texas Hospital Association expresses its gratitude to the Texas Health & Human Services Commission for providing Texas hospitals with flexibility to accommodate additional patients due the COVID-19 pandemic and respectfully requests an extension of current waivers and flexibilities, specifically those related to off-site inpatient facilities and increased bed capacity. COVID-19 has proved to be a moving target. COVID-19 numbers remain high, and surges have proven to be sudden and significant. It is vital to continue to provide Texas hospitals with the space to accommodate existing patients and the ability to respond to a sudden increase in patient volume.

Pursuant to Governor Abbott's disaster declaration, HHSC adopted Emergency Rule § 500.1 (Hospital Off-Site Facilities in Response to COVID-19). Under the emergency rule, general and specialty hospitals licensed under Chapter 241 of the Health and Safety Code may apply to HHSC for approval to temporarily operate an off-site inpatient facility under the hospital's existing license. On January 12, HHSC notified providers that the extension of the emergency rule remains effective until March 14, 2022.

In addition, in response to a request from HHSC, the Office of the Governor waived certain statutory and regulatory requirements related to hospitals licensed under Health and Safety Code, Chapter 241, for beds currently established in the hospital. Under that waiver, hospitals experiencing a surge can temporarily increase their bed capacity without a fee or application and may also use beds licensed for a certain type of care for a different type of care. Hospitals will be required to revert back their original licensed bed capacity once the March 13, 2020 disaster declaration expires or is lifted, or upon termination of the suspension by the Governor.

THA appreciates HHSC's efforts and support as hospitals continue to battle COVID-19 and meet the acute and urgent healthcare needs in their local communities. THA members have found success in the utilization of existing waivers and flexibilities as they respond to the ever-present

Commissioner Young

March 3, 2022

Page 2 of 2.

and novel challenges presented in their communities, including those posed by the COVID-19 pandemic. **Considering this ongoing and successful use of current waivers and flexibilities across Texas and in both rural and urban areas alike, THA respectfully requests that HHSC reissue Emergency Rule § 500.1 upon the rule's March 14th expiration date and that HHSC continue to provide flexibility on hospital bed capacity for at least another six months.**

Thank you for your time and attention to this matter. We look forward to working with you, and please feel free to contact me at (512) 465-1027 or clopez@tha.org with any questions, comments, or if there is anything else THA can assist with.

Respectfully Submitted,



Cesar J. Lopez
Associate General Counsel
Texas Hospital Association