

February 23, 2022

PUBLIC COMMENT LETTER

Kristi Jordan
Associate Commissioner
Health Care Regulation
Texas Health & Human Services Commission
Via electronic submission to: HCR_PRT@hhs.texas.gov

Re: Project Number 22R026, Title 25, Chapter 133, Subchapter C, Section 133.51, In-Person Visitation During a Public Health Emergency or Disaster

Dear Ms. Jordan:

On behalf of our more than 470 member hospitals, including rural, urban, children's, teaching and specialty hospitals, the Texas Hospital Association appreciates the opportunity to comment on the Texas Health & Human Services Commission's draft rule that would amend Title 25, Chapter 133 of the Texas Administrative Code.

THA appreciates HHSC's efforts in tailoring the rule to the language in Senate Bill 572 and House Bill 2211. However, neither bill requires hospitals to develop policies and procedures as a component of compliance with statute. HHSC's draft rules do include language mandating the development of policies and procedures (e.g., proposed §133.51(d): "The hospital shall establish policies and procedures...").

As cases related to COVID-19 decline, hospitals should retain flexibility in reducing any requirements for visitors, including religious counselors, as may be appropriate for the facility and their local community. THA anticipates that federal requirements for enhanced visitor screening will also subside, requiring further hospital flexibility in setting the appropriate screening requirements for visitors.

Finally, THA is concerned that any mandate to develop specific policies and procedures could result in the unintended consequences for hospitals that do not or cannot comply with the mandate. The statute and rules regarding these visitors and religious counselors have effect limited to qualified periods of disaster and public health emergencies, with the statute's intent for these requirements to abate when the declaration periods conclude. It is conceivable that hospitals may not develop specific policies related to these issues, when such policies could no longer have effect in a few months, and hospitals should not face penalties in such a situation.

Thank you for the opportunity to comment and participate in this process, and 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.

Sincerely,



Cesar J. Lopez
Associate General Counsel
Texas Hospital Association