

March 5, 2021

Via electronic submission to: DSHS.EMS-TRAUMA@dshs.texas.gov

Ms. Jorie Klein
Director
Texas Department of State Health Services
EMS and Trauma Section

Re: Department of State Health Services Title 25, Chapter 157, Subchapter G, Sections 157.122 and 157.133, concerning Trauma Service Areas and Requirements for Stroke Facility Designation.

Dear Ms, Klein:

On behalf of our more than 470 member hospitals and health systems, including rural, urban, children's, teaching and specialty hospitals, the Texas Hospital Association appreciates the opportunity to provide comments to the Department of State Health Services regarding proposed changes to Chapter 157, Subchapter G, Sections 157.122 and 157.133, concerning Trauma Service Areas and Requirements for Stroke Facility Designation.

I. Proposed Trauma Facility Designation Rules

Under the Department's proposed rule, "The realignment of a county to a different TSA may be initiated by the department or at the request of the Regional Advisory Council (RAC), provided the transferring county is contiguous to the county in the receiving TSA."¹ Under the current rule, "The realignment of a county may be initiated by the bureau or at the request of either the county government, a licensed health care facility, or a licensed emergency medical services (EMS) provider in that county."² It is important for county governments and health care facilities to retain their abilities to request realignment. Counties and hospitals are often in the best positions to determine the composition of their service areas based on the unique capabilities of their surrounding hospitals. THA recommends preserving this ability in the proposed rule.

II. Proposed Stroke Facility Designation Rules

THA would like to point out a potential inconsistency and concern under proposed stroke facility designation rule Section 157.133(c)(3), which states:

(c)(3) Each hospital operating on a single hospital license with multiple locations (multi-location license) may apply for stroke designation separately by physical location for each designation.
(A) Hospital departments or services within a hospital shall not be designated separately.

¹ Proposed 25 Tex. Admin. Code § 157.122(d).

² 25 Tex. Admin. Code § 157.122(d) (2021).

(B) Hospital departments located in a separate building, which is not contiguous with the designated facility, shall not be designated separately.

(C) Each emergency department of a hospital operating on a single hospital license must provide the same level of emergency stroke care for patients.

(D) Stroke designation is issued for the physical location and to the legal owner of the operations of the designated facility and is non-transferable.

Proposed Section 157.133(c)(3) appears to permit unique stroke designations for each physical location of a hospital with a multi-location license. However, proposed section 157.133(c)(3)(C) could be read to require the emergency departments of each physical hospital location operating under a multi-location license to meet the highest level of stroke designation of any one physical location. This would effectively require uniform stroke facility designations across multi-location hospitals. Hospitals operating separate physical locations under a multi-location license may wish to concentrate on specialized care at a particular facility. For instance, one physical location may be concentrated on caring for stroke patients and another may be focused on labor and delivery. The intent of section 157.133(c)(3)(C) appears to be the alignment of stroke facility designation standards for a hospital operating in one location under a single license, but with one or more off-campus outpatient emergency departments. THA recommends that the Department clarify that proposed section 157.133(c)(3)(C) does not apply to hospitals with a multi-location license.

Thank you for your consideration of these comments. We look forward to continuing working with you to maintain a strong network of stroke and trauma facilities in the State of Texas. Should you have any questions, please do not hesitate to contact me at cduncan@tha.org or 512/465-1539.

Respectfully submitted,



Cameron Duncan
Associate General Counsel
Texas Hospital Association