



Health Facility Licensing Guidance Letter

Number: GL 20-1001
Title: Temporary Suspension of State Licensure Requirements on Exceeding Bed Capacity During the Novel Coronavirus (COVID-19) Outbreak
Provider Types: General and Special Hospitals
Date Issued: March 20, 2020

1.0 Subject and Purpose

The Health and Human Services Commission (HHSC) requested the Office of the Governor suspend certain regulatory requirements in response to the state of disaster declared in Texas and the United States of America relating to COVID-19. In accordance with Texas Government Code §418.016, the Office of the Governor granted HHSC's request to suspend these rules and statutes. This suspension is in effect until terminated by the Office of the Governor or until the March 13, 2020 disaster declaration is lifted or expires. This letter describes the state rules and statutes waived or suspended during the disaster.

2.0 Suspension Details

The Office of the Governor waived certain statutory and rule requirements related to hospitals currently licensed under Health and Safety Code (HSC), Chapter 241 with currently established beds in the facility. Under this waiver, facilities experiencing surge capacity are able to temporarily increase their bed capacity without a fee or application. Instead, HHSC requests facilities to notify the Health Facility Licensing Unit by email at INFOHFLC@hhsc.state.tx.us regarding their increased bed capacity, within three business days of making any changes.

To address surge capacity, facilities may use unlicensed patient beds in patient treatment areas. Fees will not be assessed for temporary patient beds in association with the COVID-19 disaster. Hospitals will be required to

revert to the original licensed bed capacity in the future, as required by HHSC.

Note: The §133.26(b)-(d) waiver does not apply to patient beds in the inpatient psychiatric units of a general or special hospital. A hospital must request HHSC approval to convert psychiatric unit beds to address surge capacity related to the COVID-19 disaster declaration.

2.1 Temporary Waiver of State Licensure Requirement on Exceeding Capacity

This suspension includes flexibility to temporarily increase licensed bed capacity without a fee or application. Hospitals are required to revert to the original licensed bed capacity as required by HHSC, and after the termination of Governor's disaster declaration. The following rules and statutes are suspended:

- Hospitals
 - Rules: 25 Texas Administrative Code (TAC) [§133.26\(b\)-\(d\)](#),
 - Statutes: Texas Health and Safety Code (HSC) [§241.025](#)

3.0 Background/History

In accordance with Texas Government Code §418.016, the Office of the Governor granted HHSC's request to suspend these rules and statutes. This suspension is in effect until terminated by the Office of the Governor or until the March 13, 2020 disaster declaration is lifted or expires.

4.0 Resources

Governor Abbott's Disaster Declaration

https://gov.texas.gov/uploads/files/press/DISASTER_covid19_disaster_proclamation_IMAGE_03-13-2020.pdf

5.0 Contact Information

If you have any questions about this letter, please contact the Policy, Rules and Training Unit by email at HCQ_PRT@hhs.state.tx.us.