



## Health Facility Licensing Guidance Letter

<b>Number:</b> GL 20-1003-A-2
<b>Title:</b> Emergency Hospital Off-site Locations in Response to COVID-19
<b>Provider Types:</b> General and Special Hospitals
<b>Date Issued:</b> March 27, 2020

### 1.0 Subject and Purpose

The Health and Human Services Commission (HHSC) requested the Executive Commissioner to adopt emergency rules in response to the state of disaster declared in Texas and the United States of America relating to COVID-19. Hospitals will now be permitted to use certain off-site locations temporarily to more effectively treat and house patients in response to the COVID-19 pandemic. This letter describes the emergency rule adopted during the disaster.

### 2.0 Emergency Rule Details

Emergency rule §500.1, related to Hospital Off-site Locations in Response to COVID-19, is adopted under TAC Title 26, Chapter 500, COVID-19 Emergency Health Care Facility Licensing. Under this emergency rule, a hospital licensed under Health and Safety Code Chapter 241 may provide inpatient care at an off-site facility under the hospital's existing license. These off-site facilities must be:

- (1) An inpatient hospice unit licensed under Health and Safety Code Chapter 142 either currently or within the past 36 months, or a facility with a pending application for such a license that has passed its final architectural review inspection.

- (2) A hospital no longer licensed under Health and Safety Code Chapter 241 that closed within the past 36 months, or a facility with a pending application for such a license that has passed its final architectural review inspection;
- (3) A hospital exempt from licensure under Health and Safety Code Chapter 241;
- (4) A mobile, transportable, or relocatable unit, as defined in 25 TAC § 133.166, that otherwise complies with that section;
- (5) A nursing facility or other institution licensed under Health and Safety Code Chapter 242 either currently or within the past 36 months, or a facility with a pending application for such a license that has passed its final architectural review inspection;
- (6) An ambulatory surgical center licensed under Health and Safety Code Chapter 243 either currently or within the past 36 months, or a facility with a pending application for such a license that has passed its final architectural review inspection;
- (7) An assisted living facility licensed under Health and Safety Code Chapter 247 either currently or within the past 36 months, or a facility with a pending application for such a license that has passed its final architectural review inspection;
- (8) A freestanding emergency medical care facility licensed under Health and Safety Code Chapter 254 either currently or within the past 36 months, or a facility with a pending application for such a license that has passed its final architectural review inspection;
- (9) A mental hospital licensed under Health and Safety Code Chapter 577 either currently or within the past 36 months, or a facility with a pending application for such a license that has passed its final architectural review inspection; or
- (10) An outpatient facility operated by the hospital, either currently or within the past 36 months.

Hospitals must submit an application form to operate an off-site facility under these restrictions to [INFOHFLC@hhsc.state.tx.us](mailto:INFOHFLC@hhsc.state.tx.us) and receive approval from HHSC prior to using an off-site facility for inpatient care. HHSC will approve these applications at its discretion and may require an inspection or

additional documentation prior to approval. HHSC may withdraw its approval to use these facilities at any time.

### **3.0 Background/History**

In accordance with Texas Government Code §2001.034, the Executive Commissioner granted HHSC's request to adopt emergency rule §500.1 in Texas Administrative Code (TAC), Title 26, Chapter 500, relating to Hospital Off-site Locations in Response to COVID-19, due to imminent peril to the public health, safety, or welfare. This emergency rule may not be effective for longer than 120 days and may not be renewed for longer than 60 days.

### **4.0 Resources**

**Form 3220**, COVID-19 Response Off-Site Facility Application, provided at <https://hhs.texas.gov/laws-regulations/forms/3000-3999/form-3220-covid-19-response-site-facility-application>.

View the emergency rule in the Texas Register by searching Texas Register Docket Number (TRD ID): **202001252** at [https://texreg.sos.state.tx.us/public/regviewctx\\$.startup](https://texreg.sos.state.tx.us/public/regviewctx$.startup).

Governor Abbott's Disaster Declaration, provided at [https://gov.texas.gov/uploads/files/press/DISASTER\\_covid19\\_disaster\\_proclamation\\_IMAGE\\_03-13-2020.pdf](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@hhsc.state.tx.us](mailto:HCQ_PRT@hhsc.state.tx.us).