



Health Facility Licensing Guidance Letter

Number: GL 20-1001-A-2
Title: Temporary Suspension of State Licensure Requirements on Exceeding Bed Capacity During the Novel Coronavirus (COVID-19) Outbreak [Amended]
Provider Types: General and Special Hospitals
Date Issued: November 20, 2020

1.0 Subject and Purpose

This amended guidance letter replaces the previous GL 20-1001-A, issued on March 20, 2020, to update the Health Facility Licensing Unit's email address.

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 for beds currently established in the hospital. Under this waiver, hospitals experiencing surge capacity 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 (for example, using hospice beds to treat COVID-19 patients).

Instead, HHSC requests hospitals notify the Health Facility Licensing Unit by email at healthfacilitylicensing@hhsc.state.tx.us regarding their increased bed capacity, within three business days of making any changes.

To address surge capacity, hospitals may use unlicensed patient beds in patient treatment areas. Fees will not be assessed for temporary patient beds for the purpose of providing care during 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 for providing care during the COVID-19 emergency without a fee or application. The following rules and statutes are suspended:

- Hospitals
 - o Rules: 25 Texas Administrative Code (TAC) [§133.26\(b\)-\(d\)](#)
 - o 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, provided at https://gov.texas.gov/uploads/files/press/DISASTER_covid19_disaster_proclamation_IMAGE_03-13-2020.pdf.

To receive future updates, sign up for GovDelivery at <https://service.govdelivery.com/accounts/TXHHSC/subscriber/new>.

5.0 Contact Information

If you have any questions about this letter, please contact the Policy, Rules, and Training unit by email at: HCR_PRT@hhs.texas.gov.