



Health Facility Licensing Guidance Letter

Number: GL 20-1002-A-1
Title: Temporary Suspension of State Licensure Requirements for Fire Marshal Approval During the Novel Coronavirus (COVID-19) Outbreak [Amended]
Provider Types: End Stage Renal Disease facilities (ESRDs), Freestanding Emergency Medical Care facilities (FEMCs), General and Special Hospitals, and Private Psychiatric Hospitals
Date Issued: November 24, 2020

1.0 Subject and Purpose

This amended guidance letter replaces the previous amended GL 20-1002-A, issued on March 24, 2020, to note that a facility utilizing this rule suspension should provide documentation to the Health and Human Services Commission (HHSC) demonstrating that the local municipality was not conducting fire inspections during their licensure renewal period.

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 letter describes the state rules and statutes waived or suspended during the disaster.

2.0 Suspension Details

The Office of the Governor suspended certain statutory and rule requirements for currently licensed ESRDs, FEMCs, General and Special Hospitals, and Private Psychiatric Hospitals to submit an approved fire marshal report with an application for licensure. Under this rule suspension, a currently licensed facility applying for licensure renewal may temporarily

forgo the fire marshal inspection requirement. This rule suspension only applies in areas where the local municipality is not performing fire inspections during the facility's licensure renewal period.

ESRDs, FEMCs, General and Special Hospitals, and Private Psychiatric Hospitals will be required to submit approved fire marshal reports with licensure renewal requests in the future, as required by HHSC.

2.1 Temporary Rule Suspension of State Licensure Requirement for Fire Marshal Approval

This temporary suspension allows flexibility for a facility to seek licensure renewal without being required to submit an approved fire marshal report with the licensure renewal application. ESRDs, FEMCs, General and Special Hospitals, and Private Psychiatric Hospitals are required to submit an approved fire marshal report at a later date as required by HHSC. The following rules and statutes are suspended:

- ESRDs
 - Rules: Texas Administrative Code, Title 25 (25 TAC) [§117.13\(b\)\(1\)\(B\)](#)
 - Statutes: N/A
- FEMCs
 - Rules: 25 TAC [§131.26\(b\)\(3\)](#)
 - Statutes: N/A
- General and Special Hospitals
 - 25 TAC [§133.23\(b\)\(1\)\(B\)](#)
 - Statutes: Texas Health and Safety Code [§241.022\(d\)\(4\)](#); & [§241.023\(d\)\(1\)\(A\)-\(B\)](#)
- Private Psychiatric Hospitals
 - Rules: 26 TAC [§510.23\(b\)\(1\)\(B\)](#)
 - Statutes: N/A

In lieu of the fire inspection report normally provided with licensure renewal applications, facilities should provide documentation to HHSC that the local

municipality was not conducting fire inspections during their renewal period in order to utilize this temporary rule suspension.

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.

To receive future updates, sign up for GovDelivery:

<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.