



## Health Facility Licensing Guidance Letter

<b>Number:</b> GL 21-1001
<b>Title:</b> Temporary Suspension of State Licensure Requirements on Bed Capacity During the COVID-19 Pandemic
<b>Provider Types:</b> General and Special Hospitals
<b>Date Issued:</b> March 10, 2021

### 1.0 Subject and Purpose

The Health and Human Services Commission (HHSC) requested the Office of the Governor to suspend certain rule requirements to allow licensed general and special hospitals to continue to temporarily increase the number of beds in patient rooms 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 on March 9, 2021. This suspension shall remain in effect and in full force until modified, amended, rescinded, or superseded by the Office of the Governor.

This letter describes the state rules suspended during the disaster.

### 2.0 Suspension Details

The Office of the Governor suspended certain rule requirements related to multi-bed patient rooms and areas in currently licensed general and special hospitals. Under this suspension, a currently licensed general or special hospital may temporarily increase the number of beds in patient rooms.

General and special hospitals will be required to revert to the original requirements for occupancy in the future, as required by HHSC.

### 2.1 Temporary Suspension of Spatial Requirements

This suspension provides hospitals with the flexibility to increase the number of beds in patient treatment rooms and areas by temporarily waiving spatial

requirements for room configurations, outlets for medical gases, and nurse call systems in the following areas: emergency suites, intermediate care suites, and nursing units. Hospitals are required to revert to the original occupancy requirements as required by HHSC, and after the termination of Governor's disaster declaration. The following rules are suspended:

- General and Special Hospitals
  - Rules:
    - Texas Administrative Code, Title 25 (25 TAC) [§133.162\(d\)\(4\)\(A\)\(iii\)\(I\)](#);
    - 25 TAC [§133.163\(f\)\(1\)\(A\)\(i\)\(II\)-\(III\)](#);
    - 25 TAC [§133.163\(f\)\(1\)\(B\)\(i\)\(III\)-\(IV\)](#);
    - 25 TAC [§133.163\(m\)\(1\)\(B\)\(ii\)](#);
    - 25 TAC [§133.163\(t\)\(1\)\(B\)\(iii\)-\(iv\)](#);
    - 25 TAC [§133.163\(t\)\(1\)\(C\)](#); and
    - 25 TAC [§133.163\(t\)\(5\)\(B\)-\(C\)](#).
  - Statutes: N/A

### **3.0 Background/History**

The Office of the Governor originally suspended these rule requirements as part of Executive Order GA-31, which expired on March 10, 2021. Due to ongoing health and safety concerns, HHSC requested continued suspension of these requirements.

### **4.0 Resources**

View Governor Abbott's Disaster Declaration 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).

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](mailto:HCR_PRT@hhs.texas.gov).