



Health Facility Licensing Guidance Letter

Number: GL 23-1003
Title: Hospitals Participating in the Centers for Medicare and Medicaid Services Acute Hospital Care at Home Program (HB 1890-88R)
Provider Types: General and Special Hospitals
Date Issued: July 28, 2023

1.0 Subject and Purpose

The Texas Health and Human Services Commission (HHSC) provides guidance to licensed providers on enacted legislation impacting their provider type. [House Bill \(HB\) 1890](#), relating to the operation of a hospital at home program by certain hospitals; authorizing a fee, was proposed during the 88th Legislature, Regular Session (88-R) in 2023, and took effect on May 27, 2023.

This letter provides instruction to general and special hospitals regarding HB 1890 and outlines provider responsibilities and expectations.

2.0 Background and History

The Centers for Medicare and Medicaid Services (CMS) created the Acute Hospital Care at Home program, originally called the Hospitals Without Walls program, in March 2020 to increase hospital capacity during the COVID-19 pandemic.¹

In response to the state of disaster declared in Texas and the United States of America relating to COVID-19, HHSC previously adopted a temporary emergency rule at [Texas Administrative Code Title 26 \(26 TAC\) Chapter 500, Subchapter A, Section 500.4](#), relating to Participating in the Centers for

¹ [CMS Announces Comprehensive Strategy to Enhance Hospital Capacity Amid COVID-19 Surge](#).

[Medicare and Medicaid Services Acute Hospital Care at Home Program During the COVID-19 Pandemic.](#)

Under the emergency rule, a currently licensed hospital was permitted to apply to HHSC to temporarily participate in the CMS Acute Hospital Care at Home program to expand the hospital's capacity in response to the COVID-19 pandemic.

Resulting from the 2023 Texas Legislative Session (88-R), HB 1890, in part, codifies into law the requirement for a licensed hospital to obtain HHSC and CMS approval to operate a hospital at home (HAH) program before operating the program.

Effective July 28, 2023, HHSC allowed emergency rule Section 500.4 to expire, and HHSC is currently drafting permanent rules to implement HB 1890's provisions in 25 TAC Chapter 133, relating to Hospital Licensing.

3.0 Legislative Details and Provider Responsibilities

HB 1890 amended [Texas Health and Safety Code \(HSC\) Chapter 241](#) by adding Subchapter M, relating to the Hospital at Home Program, which allows a hospital to operate a HAH program with approval from CMS and HHSC. HHSC is currently developing permanent rules to implement HB 1890 and will publish the proposed rules in the *Texas Register* for public comment in the coming months before adopting the proposed rules.

Note: HHSC encourages stakeholders interested in commenting on the proposed rules to [sign up for GovDelivery](#) to receive notice regarding when the proposed rules publish for formal comment in the *Texas Register*.

To apply for HHSC approval to operate a HAH program, a hospital must email the following documents to infohflc@hhs.texas.gov and Hospital_Licensing@hhs.texas.gov and receive written approval from HHSC before operating a HAH program:

- [Form 3230, Application to Treat Eligible Patients at Their Residence Under the Centers for Medicare and Medicaid Services Acute Hospital Care at Home Program](#), and
- Proof of CMS's approval for participation in the CMS Acute Hospital Care at Home Waiver program.

HHSC may approve an application to operate a HAH program at its sole discretion and may require an inspection or additional documentation before granting approval. HHSC may withdraw HHSC's approval to operate a HAH program at any time.

If HHSC approves a hospital's application to operate a HAH program, HHSC will provide the hospital with HHSC's written approval after HHSC approves the application.

Hospitals must inform HHSC if they are no longer participating in the HAH program by providing written notice to infohflc@hhs.texas.gov and Hospital_Licensing@hhs.texas.gov.

4.0 Resources

Review HB 1890 (88th Legislature, 2023) at:
<https://capitol.texas.gov/tlodocs/88R/billtext/html/HB01890F.htm>.

Review the CMS Announces Comprehensive Strategy to Enhance Hospital Capacity Amid COVID-19 Surge press release at:
<https://www.cms.gov/newsroom/press-releases/cms-announces-comprehensive-strategy-enhance-hospital-capacity-amid-covid-19-surge>.

Review expired emergency rule Section 500.4 at:
[https://texreg.sos.state.tx.us/public/regviewer\\$ext.RegPage?sl=R&app=1&_dir=&p_rloc=416052&p_tloc=&p_ploc=&pg=1&p_reg=416052&ti=26&pt=1&ch=500&rl=4&issue=02/03/2023&z_chk=.](https://texreg.sos.state.tx.us/public/regviewer$ext.RegPage?sl=R&app=1&_dir=&p_rloc=416052&p_tloc=&p_ploc=&pg=1&p_reg=416052&ti=26&pt=1&ch=500&rl=4&issue=02/03/2023&z_chk=)

Review HSC Chapter 241 at:
<https://statutes.capitol.texas.gov/Docs/HS/htm/HS.241.htm>.

Review Form 3230, Application to Treat Eligible Patients at Their Residence Under the Centers for Medicare and Medicaid Services Acute Hospital Care at Home Program at: <https://www.hhs.texas.gov/regulations/forms/3000-3999/form-3230-application-treat-eligible-patients-their-residence-under-centers-medicare-medicaid>.

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

5.0 Contact Information

Email the Policies and Rules Unit at HCR_PRU@hhs.texas.gov if you have any questions about this letter.