



## Health Facility Compliance Guidance Letter

<b>Number:</b> GL 20-2009
<b>Title:</b> Temporary Suspension of Staffing Requirements in End Stage Renal Disease Facilities (ESRDs) During the Novel Coronavirus (COVID-19) Outbreak
<b>Provider Types:</b> ESRDs
<b>Date Issued:</b> March 23, 2020

### 1.0 Subject and Purpose

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. 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 waived or suspended during the disaster.

### 2.0 Suspension Details

The Office of the Governor waived certain rule requirements for currently licensed ESRDs relating to staffing ratios. Under this waiver, a currently licensed ESRD may temporarily adjust staffing ratios for direct care staff, dietitians, and social workers.

ESRDs will be required to revert to the original required staffing ratios as well as dietitian and social worker requirements in the future, as required by HHSC.

## 2.1 Temporary Waiver of Staffing Requirements in ESRDs

This suspension includes flexibility to adjust staffing ratios in ESRDs. ESRDs, are required to revert to the original staffing ratios at a later date as required by HHSC. The following rules are suspended:

- ESRDs
  - Rules: Texas Administrative Code, Title 25 (25 TAC) [§117.45\(d\)\(6\)\(A\)-\(B\)](#); [§117.45\(g\)\(5\)](#); [§117.45\(h\)\(5\)](#); & [§117.106](#)
  - Statutes: N/A

## 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. 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](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@hhs.state.tx.us](mailto:HCQ_PRT@hhs.state.tx.us).