



May 1, 2020

Mr. Richard LaVallo
Disability Rights Texas
Legal Director
rlavallo@disabilityrightstx.org

Dear Mr. LaVallo:

Thank you for your April 17, 2020, letter to Executive Commissioner Wilson expressing concerns regarding the guidance to hospitals on visitors providing critical assistance. Your correspondence was forwarded to me for response because as Chief Policy and Regulatory Officer at the Health and Human Services Commission (HHSC), I oversee the division that regulates hospitals in Texas.

The guidance you reference has been superseded by emergency rules regarding visitor access to hospitals and psychiatric facilities found in the Texas Administrative Code, 25 TAC §133.51, Emergency Rule for Hospital Response to COVID-19, and 26 TAC §510.48, Emergency Rule for Facility Response to COVID-19.

Your request recommends additional language to specifically identify support persons for people with disabilities as persons providing critical assistance and to prohibit hospitals from excluding support persons for people with disabilities when acting as a person providing critical assistance.

We believe the emergency rules allow support persons for people with disabilities to act as persons providing critical assistance and be allowed entry into a hospital if they pass the screening. Support persons for people with disabilities could be allowed entry to a hospital under multiple categories of allowed visitors enumerated in the emergency rule; in addition, the lists in the rules are not exclusive. If a hospital determines a support person for a person with a disability is providing critical assistance, the hospital could allow entry following screening.

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The rule does not require that all hospitals permit all visitors providing critical assistance to enter at all times. This is an acknowledgement that there are other health and safety reasons that a specific hospital may need to limit visitation beyond the screening tool provided in the emergency rule.

We believe these rules balance the rights of patients with the precautions necessary to prevent the spread of COVID-19 to protect the health and safety of the public. We do not plan to amend the rules at this time, but we appreciate your feedback and continue to welcome it in the future.

If you have any additional questions, please contact Rachel Ashworth-Mazerolle, Manager of Policy, Rules, and Training for Health Care Regulation, at HCQ_PRT@hhsc.state.tx.us.

Sincerely,

A handwritten signature in black ink, appearing to read 'Victoria Ford', with a large, stylized flourish at the end.

Victoria Ford, MPA
Chief Policy and Regulatory Officer