



COVID-19



THA Membership:

First let me thank you for all you are doing on the frontlines of this pandemic. Hospitals are facing an intense resource challenge, and I am proud of the innovative steps you are taking to protect your frontline staff while treating those Texans ill with COVID-19. The mitigation strategies at the state level appear to be crushing this disease curve, but we must not let our guard down prematurely. We must manage this crisis while addressing the other immediate health care needs in our communities. To this end, I wanted to follow up with you on the issue of non-essential procedures. We continue to hear concerns from our members about the state's limitation of these procedures, and we fully recognize that while you prepare for a potential surge of patients related to COVID-19, you must also be able to provide health care services to your community beyond the pandemic.

From the outset, at the direction of the THA Board of Trustees, THA has acknowledged and carefully messaged the important balance of conserving PPE and maximizing bed capacity while being mindful of the need for our hospitals to continue providing necessary medical care. Based on information and experiences that were unfolding in other areas of the country, we supported the Governor's Executive Order dated March 22 to suspend non-essential procedures. This was a collective effort to preserve PPE and increase bed capacity, given projections of surges that would have placed extreme pressure on the Texas health care system due to COVID-19.

However, over the course of the order's practical implementation, we gained additional insight into the impact of the executive order and the ability to ensure patients get the critical and essential care they need. Additionally, we also are increasingly concerned about our fragile rural hospitals, which have been particularly strained over the course of the COVID-19 emergency and face additional closures as they work to conserve PPE and limit procedures.

In response to feedback from our membership, we clarified and refined THA's position on non-essential services, and we are highlighting this perspective directly with state leadership and policymakers as the Governor imminently weighs next steps.

THA Position on Non-Essential Procedures

THA supports extending the Executive Order when it expires April 21, but we have asked state leadership to add flexibilities to ensure that needed medical care can be delivered. We ask that hospitals have the flexibility to balance clinical practice and physician medical judgement with the availability of PPE and bed capacity conditions on the ground in their facility and community. Texas hospitals need to have the ability to perform procedures when:

- There is threat to the patient's life if surgery or procedure is not performed,
- There is threat of permanent dysfunction of an extremity or organ system,
- There is risk of metastasis or progression of staging,
- There is risk of symptoms rapidly becoming severe (time sensitivity),
- The surgery is necessary to facilitate discharge, or

- The surgery or procedure, performed in accordance with the commonly accepted standard of clinical practice, would not deplete the hospital capacity or the personal protective equipment needed to cope with the COVID-19 disaster, as determined in consultation with the facility administrator.

THA Position on TMB Rules

In addition to these flexibilities, we also raised concerns about the Texas Medical Board's strict implementation of the order, including a requirement that physicians report each other for performing services that are alleged to be beyond the standards in the order. This is deterring physicians from providing essential, medically necessary care for fear of retaliatory complaints and possible enforcement action. We support amending this requirement to instead rely on the usual TMB complaint process and hospital peer review processes to address physicians operating outside of standards.

As the situation has evolved, THA has emphasized these positions with staff from the Governor's Office, the Governor's COVID-19 Strike Force, the Texas Medical Board, the Texas Medical Association and its ancillary specialty groups, and key members of the Texas Legislature.

We understand the Governor is going to soon begin announcing a process of reopening the state in a way that continues to protect public health and the state's economic outlook. THA is at the table, asking for flexibility for Texas hospitals to provide needed medical care based on local situations and a physician's medical assessment of an individual patient, with an understanding that this is conditional based on the availability of PPE and bed capacity.

We ask that you continue to share these perspectives with the Office of the Governor and other state leadership, city and county officials, and your local communities to help ensure Texas has the flexibility it needs to provide needed care.

Again, thank you for your work on the frontlines during this challenging time. We continue to advocate strongly for the supplies and environments you need to provide quality health care to the people of Texas. Please take care and let me know if you have any questions.

Sincerely,

Ted Shaw
President/CEO
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