



Additional Documentation Necessary for Waiver of 24/7 Emergency Physician Coverage

DSHS has been working with its major stakeholders and has defined specific documentation that the hospital must address for a waiver of the rule requiring an emergency physician in the emergency treatment area at all times. This documentation is in conjunction with the waiver criteria described in Texas Administrative Code, Section 133.81. This process represents a determination that considers the needs of the county as a whole, is transparent, and includes the providers of emergency services within that county.

- + Specific documentation will consist of letters of support from the CEOs of each licensed general hospital within that respective county, specifically stating that their hospital is supportive of the requested emergency services waiver.
- + The requesting hospital will be responsible for gaining the support of each licensed general hospital within their respective county. Letters of support must detail the exact waiver request and would be sent directly from each CEO to DSHS. DSHS will provide the requesting hospital a listing of licensed general hospitals within that county. The requesting hospital will have 90 days from the date that DSHS receives the initial waiver request to obtain the support of the other licensed general hospitals within that respective county. One letter of support that represents all hospitals within the multi-hospital license will suffice due to the criteria outlined in the statute that defines a multi-hospital license.
- + Based on statute authority that outlines a specific waiver process for emergency services within a multi-hospital license, hospitals that request a waiver for emergency services under a multi-hospital license will be exempt from providing letters of support from hospitals outside their multi-hospital license. This holds true if one of the general hospitals within the license continues to provide emergency services with a 24/7 physician in the ED, the requesting hospital is in close geographic proximity of the hospital providing the services, and there is a current transport agreement in place with the hospital providing the services.
- + Upon receipt of a completed waiver request that addresses the 5 criteria listed above, letters of support from each general hospital within that respective county, and an acceptable transfer agreement with another general hospital with full emergency services in close geographic proximity, the department will grant approval of the waiver with a formal order.
- + The approved final order will be sent to each of the general hospitals within that respective county, to the main 911 provider, and to the respective EMS/Trauma Regional Advisory Council. The requesting hospital will be asked to notify the other EMS providers and to provide DSHS with that documentation. The final waiver will be posted on the DSHS website.
- + A waiver exempting a hospital from 24/7 in house emergency physician coverage would be in effect for the two year licensure period and would be reconsidered upon request for renewal. At that time, DSHS would consider any changes in support by the other hospitals in the county.

