

**DFW-APIC Government Affairs Committee
Sept 2020**

APIC Public Policy and E-News Highlights (2019-2020)

<http://cqrcengage.com/apic/home>

<http://apic.org/Member-Services/Publications/E-News>

9/1/2020	<p>FDA Warning Against Laws of Motion PPE potential quality issues that affect the level of fluid barrier protection and should not be used as personal protective equipment at this time</p>
9/1/2020	<p>Respirators for Healthcare during COVID-19: Authorized Use & Avoiding Fraudulent Products fraudulent sales of personal protective equipment (PPE) — particularly N95 and KN95 filtering facepiece respirators (FFRs) — have increased. The HHS COVID-19 Healthcare Resilience Working group developed a fact sheet</p>
9/1/2020	<p>FDA Broadens Emergency Use Authorization for Veklury (remdesivir) to include treatment of all hospitalized adult and pediatric patients with suspected or laboratory-confirmed COVID-19, irrespective of their severity of disease. Read the FDA announcement.</p>
9/1/2020	<p>The FDA is warning consumers about alcohol-based hand sanitizers (ABHS) that are being packaged in containers that may appear as food or drinks and may put consumers at risk of serious injury or death if ingested. The agency has discovered that some hand sanitizers are being packaged in beer cans, children's food pouches, water bottles, juice bottles and vodka bottles. Additionally, the FDA has found hand sanitizers that contain food flavors, such as chocolate or raspberry. Read the FDA alert.</p>
9/1/2020	<p>The U.S. Food and Drug Administration issued an emergency use authorization (EUA) to Abbott Diagnostics Scarborough, Inc. for its BinaxNOW COVID-19 Ag Card, the first antigen test where results can be read directly from the testing card, a similar design to some pregnancy tests. This design is fast and efficient for healthcare providers and patients and does not need the use of an analyzer. However, since antigen tests are not as sensitive as molecular tests, negative results from an antigen test may need to be confirmed with a molecular test prior to making treatment decisions. Read the FDA announcement.</p>
9/1/2020	<p>The CDC has posted to its website updated recommendations for who should be tested for COVID-19. Although the previous recommendation was that asymptomatic people who had been in close contact with an individual infected with COVID-19 should be tested, the new recommendation is that such people do not necessarily need to be tested, unless you are a vulnerable individual or a healthcare provider. Read the CDC guidance.</p>
9/1/2020	<p>CMS announced it will resume routine inspections of all Medicare and Medicaid certified providers and suppliers. In response to the COVID-19 pandemic, CMS had previously suspended certain routine inspections to prioritize infection control and immediate jeopardy situations and to give healthcare providers and suppliers time needed to respond to the spread of COVID-19. CMS has directed the resumption of onsite revisit surveys, non-immediate jeopardy complaint surveys and annual recertification surveys as soon as resources are available. Read the CMS announcement.</p>

Texas Register (2019-2020)

<http://www.sos.state.tx.us/texreg/index.shtml>

Key: X Pending

Last Review Completed: /2020

Current Search

Parameters for Review:

25 TAC: Chapters 2, 97,
133, 135, 200

30 TAC: Chapter 330;
Subchapter Y

X	Date Filed	Action	Title/Ch./Rules/SB /HB	Topic / Comments
	12/2/19	Adopted	25 TAC §§200.1 - 200.6	Rule amendment to comply with S.B. 384. The new law alters the list of HAIs that health care facilities must report to DSHS by removing the language outlining the specific medical procedures required for HAI reporting by facility type, and replacing it with a requirement for all health care facilities to report the list of HAIs that the CMS require facilities participating in the Medicare program to report. These changes have the effect of aligning state reporting requirements with federal CMS reporting requirements. In reference to NHSN, the rule eliminates the wording "or its successor."
	3/29/19	Adopted	25 TAC §133.50	Requires that a hospital provide a patient the opportunity to designate a caregiver to receive aftercare instructions on admission or before the patient is discharged or transferred to another facility. Also outlines the hospital's responsibility to document information, in the patient's medical record, regarding the designated caregiver or the patient's declination to designate a caregiver.
	1/18/19	Signed by Governor	S.B. No. 384	Effective 9/1/19. For HAIs occurring on or after 1/1/2020 Expands what HAIs must be reported by hospitals and ambulatory surgical centers to the Texas Department of State Health Services. A hospital or ambulatory surgical center must report each HAI to the Texas Department of State Health Services regardless of the facility's participation in Medicare. The legislation would also require the pathogen to be identified if the infection is laboratory confirmed. https://capitol.texas.gov/BillLookup/Text.aspx?LegSess=86R&Bill=SB384
X	2/4/19	Referred to Human Services committee (2/27/19)	HB 1360	Relating to prevention of communicable diseases in certain long-term care facilities. https://capitol.texas.gov/BillLookup/Text.aspx?LegSess=86R&Bill=HB1360
	2/14/19	Signed by Governor	HB 1848	Effective 9/1/19 Companion to HB 1360 – relating to prevention of communicable diseases in certain long-term care facilities. https://capitol.texas.gov/BillLookup/History.aspx?LegSess=86R&Bill=HB1848

X	1/10/19	<i>Left pending in committee (4/23/19)</i>	SB 329	Relating to requirements for and the transparency of epidemiological reports and certain immunization exemption information and reports. The dept shall prepare & submit “(1) report of outbreaks of vaccine preventable diseases in this state; and (2) de-identified immunization exemption information, including the number of persons claiming an exemption from the immunization requirements”
X	2/7/19	<i>Referred to Public Health 2/27/19</i>	HB 1490	Relating to claiming an exemption from required immunizations for public school students. “The department may not maintain a record of the number of affidavit forms submitted or the names of individuals who submit [request] an affidavit form under this section.”
	3/27/20	<i>Effective 3/27/20 - 7/24/20</i>	25 TAC §135.2, §135.26	The Executive Commissioner of the Texas Health and Human Services Commission (HHSC) adopts on an emergency basis in Title 25 Texas Administrative Code, Chapter 135, Ambulatory Surgical Centers (ASCs), amendments to §135.2 and §135.26, in order to expand ASCs' treatment capabilities and modify current reporting requirements to mitigate issues caused by patient surge due to COVID-19. (complete text was posted in the APIC-DFW GAC section)
	8/18/20	<i>Effective 8/19/20 - 12/16/20</i>	25 TAC §417.47	The Executive Commissioner of the Texas Health and Human Services Commission (HHSC) adopts on an emergency basis in Title 25 Texas Administrative Code, Chapter 417, Agency and Facility Responsibilities, amended §417.47, concerning an emergency rule in response to COVID-19 to ensure necessary state hospital staffing levels and infection control training during the COVID-19 pandemic.

Prepared by 2020 APIC-DFW Governmental Affairs Committee:
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