

PUBLICATION

Public Health Emergency Declaration Extended Through Mid-October

Authors: Joseph B. Keillor, Michelle A. Williams

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On July 15, 2022, Department of Health and Human Services (HHS) Secretary Xavier Becerra again renewed the declaration of a Public Health Emergency (PHE) under the Public Health Service Act, averting a July 15, 2022, expiration and extending the declaration through October 13, 2022.

HHS has repeatedly publicly committed to providing 60 days' notice before the termination or expiration of the PHE. Therefore, if August 14, 2022, passes without such notice, it is likely that there will be at least one further renewal beyond October 13, 2022. In the meantime, the Biden administration is facing significant competing political and industry pressures to wind down the PHE versus continuing to extend it.

Baker Donelson has published a [series of articles](#) examining transition matters as the emergency declarations are anticipated to expire, including the need for providers to brace for expanded uninsured populations as Medicaid rolls are trimmed by state Medicaid agencies. As covered in [one of these articles](#), certain telehealth waivers implemented in connection with the PHE have already been legislatively extended for 151 days after the end of the PHE, with permanent changes possible given a flurry of recent telehealth legislative activity. Additionally, Public Assistance funding through the Federal Emergency Management Agency (FEMA) has not yet shut down, but FEMA has issued a [year-end deadline](#) for public entities and eligible nonprofits to submit funding requests for eligible pandemic response costs incurred through July 1, 2022.

Other governmental flexibilities spurred by the pandemic are already winding down — for example, the Department of Homeland Security has ended the temporary policy, described in our prior [Alert](#) allowing employers to accept expired List B documents for I-9 purposes. CMS has launched a [hub page](#) and [recurring monthly webinars](#) for stakeholders affected by the upcoming cessation of continuous Medicaid enrollment and the broader return to normal operations in the wake of the end of the PHE, which is anticipated to disrupt health care coverage for millions of Americans and potentially significantly increase providers' levels of uncompensated care.

We will continue to monitor developments related to the end of the PHE and other pandemic-related governmental programs and waivers.

If you have specific questions about this alert, please contact [Joseph Keillor](#), [Michelle A. Williams](#) or any member of Baker Donelson's [Health Law Group](#).