

PHE Extended Until at Least January 2023, Allowing Regulatory Flexibilities to Continue

On Oct. 13, the Biden administration announced it was again extending the federal public health emergency (PHE) for another 90 days, until Jan. 11, 2023.

The federal government has authorized this public health emergency for 90-day periods going back to Jan. 31, 2020. The PHE has been used to authorize both blanket and individual waivers that have allowed for crucial regulatory flexibilities, including:

- [Telehealth](#)
- [Hospital at Home](#)
- [CAH waivers](#) such as lifting the 96 hour average length of stay and 25 inpatient bed cap
- EMTALA waivers

While many had speculated the PHE could come to an end at some point in 2022, and President Biden himself said in a September television interview that the pandemic was over, he also said his administration understands that COVID will continue to present challenges for the health care system. Health and Human Services (HHS) Secretary Xavier Becerra again committed to providing a 60-day advance notice should they choose not to extend the PHE again. This means we should know by mid-November whether this will be the final extension.

WHA continues to advocate for legislation that retains the aforementioned flexibilities made possible by the PHE, including in a [recent trip to Washington DC in September](#). Earlier this year, [Congress passed legislation](#) that would allow Medicare's telehealth waivers to continue for 151 days past the expiration of the PHE. This means Congress will have until at least mid-June of 2023 to figure out a more permanent telehealth policy. WHA is continuing to educate Wisconsin's congressional delegation on the need to provide a similar glide path for the other less well-known but similarly [important waivers](#) that have led to significant care innovations during COVID.

Contact WHA Vice President of Federal and State Relations [Jon Hoelter](#) with questions.

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