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Biden Administration Extends PHE for 90 More Days, Allowing Crucial Regulatory Flexibilities to Continue

The Biden administration has announced the federal public health emergency (PHE) has been extended for another 90 days, effective April 16.

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 WHA continues to advocate for permanently extending, including:

- [Telehealth](#)
- [Hospital at Home](#)
- [CAH waivers](#) such as lifting the 96 hour average length of stay and 25 inpatient bed cap
- EMTALA waivers (allowing services such as drive-up testing/vaccination at a hospital)

The federal Department of Health and Human Services (HHS) has once again indicated they will provide 60-day advance notice should they choose not to extend the PHE again. Many have speculated this could be the final 90-day extension, and if so, HHS would be expected to make an announcement no later than May 17.

While the PHE's extension is encouraging news, it's important to note that the administration [has ended/is ending certain blanket waivers, primarily related to SNFs](#), prior to the end of the PHE. This means there is no guarantee these hospital waivers will remain in place for the entire duration of the PHE. The PHE's extension also means the state of Wisconsin will continue to receive an enhanced federal match (FMAP) for Medicaid, which also enhances Disproportionate Share Hospital and Rural Critical Care payments, while also prohibiting state Medicaid programs from disenrolling Medicaid patients until its expiration.

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-December 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 crucial waivers that have led to significant care innovations during COVID.

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