

PUBLICATION

Bracing for Impact: Most Recent Public Health Emergency Declaration Extension Establishes New Dates to Monitor

Authors: Joseph B. Keillor

April 20, 2022

On April 12, 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 an April 16, 2022 expiration and extending the declaration through July 15, 2022.

HHS continues to reaffirm its prior public commitments to provide 60 days' notice prior to the termination or expiration of the PHE. If May 16, 2022 passes without HHS announcing the upcoming expiration of the PHE, it would imply at least one further renewal beyond July 15, 2022.

Baker Donelson has [launched a series of articles examining transition matters](#) as the emergency declarations are anticipated to expire, including that providers will need to brace for expanded uninsured populations as Medicaid rolls are trimmed by state Medicaid agencies. Certain telehealth waivers implemented in connection with the PHE have already been [legislatively extended for 151 days following 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 non-profits to submit funding requests](#) for eligible pandemic response costs incurred through July 1, 2022.

On the other hand, other governmental flexibilities spurred by the pandemic are already winding down, as the Department of Homeland Security is [ending the temporary policy allowing employers to accept expired List B documents for I-9 purposes](#).

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](#) or any member of Baker Donelson's [Health Law Group](#).