Renewal of Federal COVID-19 Public Health Emergency



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On July 19, 2021, the U.S. Department of Health & Human Services (HHS) issued a Renewal of Determination that a Public Health Emergency Exists extending the federal COVID-19 public health emergency (PHE) for another ninety (90) days effective July 20, 2021.

The PHE has been in place since January 27, 2021, and must be renewed every ninety (90) days; however, HHS has indicated that the PHE will likely continue through the end of the 2021 calendar year. On January 22, 2021, the acting HHS Secretary sent a letter, available here, to the State Governors stating that "the PHE will likely remain in place for the entirety of 2021, and when a decision is made to terminate the declaration or let it expire, HHS will provide states with 60 days' notice prior to termination." The letter addresses the importance of predictability and stability "given the foundation and flexibilities offered to states that are tied to the designation of the PHE." The letter also confirms that with the PHE extension, states can expect the continued use of other emergency authorities, including the Public Readiness and Emergency Preparedness (PREP) Act declarations and emergency use authorizations (EUA) for diagnostics, treatments, and vaccines.

In addition, with the renewal of the national PHE, several federal waiver flexibilities granted since the PHE was initiated will continue, including section 1135 waivers modifying or waiving certain Medicare, Medicaid, Children's Health Insurance Program (CHIP), and Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule requirements.

For more information on federal COVID-19 waivers and flexibilities see here.

HHS' Renewal of Determination that a Public Health Emergency Exists is available here.

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