

HHS says it plans to extend Covid-19 public health emergency

An extension would ensure expanded Medicaid coverage, telehealth services and other pandemic measures remain in place beyond the midterm elections.

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State and local public health officials — having not heard differently this week — are expecting the Biden administration to extend the Covid-19 public health emergency for another 90 days in mid-October.

An extension would ensure expanded Medicaid coverage, telehealth services, boosted payments to hospitals and other pandemic measures remain in place beyond the midterm elections even as public health experts and lawmakers debate the merits of a PHE that was first declared in January 2020.

“The COVID-19 Public Health Emergency remains in effect and as HHS committed to earlier, we will provide a 60-day notice to states before any possible termination or expiration,” an HHS spokesperson told POLITICO.

The administration has not notified groups, including the Association of State and Territorial Health Officials, Federation of American Hospitals and the American Public Health Association, that the PHE would end, a courtesy HHS has said it would issue 60 days before the Covid-19 declaration is terminated. The 60-day notice would have been issued early this week under that pledge.

“Silence from the administration means that the public health emergency will almost certainly be extended into January 2023,” said Larry Levitt, executive vice president for health policy at the Kaiser Family Foundation.

The U.S. continues to average nearly 100,000 documented Covid-19 infections and more than 400 deaths per day, according to CDC data. Federal health officials and public health experts caution that the health care system could be stretched in the months ahead if an expected fall resurgence of Covid-19 infections coincides with the flu season.

“I expect this fall and winter to look much more like the fall and winter of 2019 than the last two years with a lot less mitigation,” White House Covid-19 Response Coordinator Ashish Jha said Tuesday at a virtual U.S. Chamber of Commerce meeting. “And that means we should be ready for more flu and more Covid.”

Regulatory flexibility under the PHE that enabled pharmacists to administer Covid-19 vaccines will also be important to maintain ahead of a potential bivalent booster campaign

in the fall, according to American Public Health Association Executive Director Georges Benjamin.

“We still have pharmacists in some communities with the ability to now give vaccines that they didn't have before, so making sure health practitioners can deliver the vaccine is going to be very important,” Benjamin said.

The decision to extend the emergency declaration comes after extensive discussions among top Biden officials over when it would be appropriate to let the designation lapse, POLITICO previously reported. HHS has extended the public health emergency every 90 days since it was first declared.

House Energy and Commerce ranking member Cathy McMorris Rodgers (R-Wash.) and Health Subcommittee ranking member Brett Guthrie (R-Ky.) argued last week the Biden administration “lacks any good justification” to maintain the PHE without providing additional details on how the government will wind it down.

But Federation of American Hospitals CEO Chip Kahn argued now is not an appropriate time to end the PHE, given the ongoing impact of Covid-19 on the health care system.

“Even though the public has turned the page, we have to deal with it every day,” Kahn said. “The flu is coming, as well as the possibility of Covid spread that would lead to more hospitalizations. We’re just not ready to make a big shift.”

When the Covid-19 emergency declaration is eventually terminated, medical products being marketed under emergency use authorization granted by the FDA will not necessarily be immediately pulled. The agency has also published guidance outlining how it plans to transition such products over time.

The agency’s authorities governing emergency use of medical products will remain in place until HHS Secretary Xavier Becerra declares an end to the separate declaration under the Federal Food, Drug and Cosmetic Act, which allows the agency to issue EUAs.