



UPDATED: MAY 2023

The Secretary of the U.S. Department of Health and Human Services (HHS) has the authority to declare a national public health emergency (PHE). For ongoing PHEs, the Secretary must reissue a declaration at least once every 90 days.

The HHS Secretary **determined** a PHE had been in effect due to the COVID-19 pandemic since Jan. 31, 2020. Under a declared PHE, the Department has additional authority and discretion to waive certain program requirements in order to respond to the identified emergency. Under the COVID-19 PHE, HHS and supporting agencies issued numerous flexibilities and waivers to support the continued access to critical healthcare services throughout the pandemic.

The Biden administration ended the COVID-19 PHE on May 11, 2023, meaning many of these flexibilities and waivers have now expired. This decision came after multiple renewals over the previous three years. MGMA appreciates that the Administration heeded our call to provide at least 90-days' notice prior to concluding the PHE.

The tables on the following pages highlight identified policies and their associated expiration dates. Additional information and a comprehensive summary of COVID-19-related flexibilities is available [here](#).

MEDICARE TELEHEALTH

PRE-PHE POLICY	PHE FLEXIBILITY	FLEXIBILITY EXPIRATION DATE
Originating site and geographic restrictions	Patients can receive telehealth services throughout the U.S. including in their homes	Extended through Dec. 31, 2024, per the CAA, 2023
Only qualifying providers eligible to furnish telehealth	Sphere of licensed providers able to furnish telehealth services expanded	
Telephone visits not reimbursed separately	Certain telephone (audio-only) visits covered and reimbursed	
FQHCs/RHCs could not function as distant site providers	Expansion in the ability of Federally Qualified Health Centers (FQHCs) and Rural Health Clinics (RHCs) to furnish telehealth	
Restrictions on which providers can provide telehealth services in various states	State licensure requirements to furnish telehealth in other states loosened	State specific
Restrictions on which communication platforms are HIPAA-compliant	HIPAA penalties for technology used to furnish telehealth waived	Aug. 9, 2023 (90-day transition period)
Telehealth services reimbursed at the typically lower facility rate	Telehealth services can be reimbursed at the non-facility rate by using the 95 modifier	Extended through Dec. 31, 2023, per CMS

COVID-19 TESTING AND TREATMENT

PRE-PHE POLICY	PHE FLEXIBILITY	FLEXIBILITY EXPIRATION DATE
N/A	State Medicaid programs covering vaccine, testing, and treatment	State Medicaid programs coverage continues through Sep. 30, 2024 (after that, coverage and cost will vary by state)
	Medicare cost-sharing waived for at-home COVID-19 tests, testing-related services, and certain treatments Medicare Part B covering all COVID-19 vaccines without cost-sharing	Cost-sharing waiver will continue after expiration of PHE (with some exceptions)
	Group health plans and individual health plans required to cover COVID-19 testing and related services without cost-sharing	Most plans must continue to cover vaccines in network (without cost-sharing) Mandatory coverage for testing will end and coverage will vary by plan

FQHCS AND RHCS

PRE-PHE POLICY	PHE FLEXIBILITY	FLEXIBILITY EXPIRATION DATE
N/A	Certain staffing requirements related to nurse practitioners, physician assistants, or certified nurse-midwife availability at an RHC waived	Expiration of PHE
	Temporary expansion of site waiver	

PRESCRIPTION DRUG PROVISIONS

PRE-PHE POLICY	PHE FLEXIBILITY	FLEXIBILITY EXPIRATION DATE
Provider liability restrictions enforced	PREP Act provides immunity to liability stemming from counter measures taken as a result of a declared PHE	In May 2023, HHS signed the 11th amendment to the declaration under the PREP Act, which extended the duration of the Declaration to Dec. 31, 2024
In-person exam required to prescribe certain controlled substances	Ryan Haight Act's in-person exam requirement for the prescription of controlled substances waived	Nov. 11, 2023 (Nov. 11, 2024 for patient-provider relationships established during COVID-19 PHE)