

PHE Formally Extended for 90 More Days, Allowing Regulatory Flexibilities to Continue

As anticipated, the Biden administration has announced the federal public health emergency (PHE) has been extended for another 90 days, effective July 15.

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, including:

- [Telehealth](#)
- [Hospital at Home](#)
- [CAH waivers](#) such as lifting the 96-hour average length of stay and 25 inpatient bed cap
- EMTALA waivers

While many have speculated the PHE could come to an end at some point in 2022, the federal Department of Health and Human Services (HHS) has indicated they will provide 60-day advance notice should they choose not to extend the PHE again. This means we should know by mid-August whether this will be the final extension.

WHA will continue to advocate for legislation that retains the aforementioned flexibilities made possible by the PHE. 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-March of 2023 to figure out a more permanent telehealth policy. WHA will continue to educate Wisconsin's congressional delegation on the need to provide a similar glide path for the other less well-known but similarly important waivers that have led to significant care innovations during COVID.

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