



HHS Yet Again Renews COVID-19 Public Health Emergency Declaration

January 2022

On January 14, 2022, Secretary of Health and Human Services (HHS) Xavier Becerra again renewed the public health emergency (PHE) declaration. The renewal extends the PHE for another 90 days, effective January 16, 2022, although the Secretary has the right to terminate the declaration prior to its expiration date.

The PHE Declaration

The Secretary has the authority to declare a PHE under Section 319 of the Public Health Service Act. COVID-19 was initially declared an emergency as of January 27, 2020. This is the eighth 90-day renewal.

What the PHE Renewal Means for Employers

The PHE renewal means employer group health plans must continue to provide COVID-19 diagnostic testing at no cost in- and out-of-network and paid before the deductible is met in a health savings account-qualified high-deductible health plan.

The PHE renewal does not affect deadlines for COBRA elections, HIPAA special enrollment rights, or ERISA claims and appeals, which are ultimately determined by the duration of the National Emergency declared by President Biden.

What Employers Should Do Now

Employers should continue to administer plans in accordance with the COVID-19-related provisions noted above and monitor the HHS website for early termination or an additional extension of the PHE declaration in April of 2022.

Resources

The January 14, 2022, COVID-19 PHE declaration is available [here](#).



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