



Once More With Feeling?—HHS Renews Public Health Emergency Declaration

October 2022

Health and Human Services (HHS) Secretary Xavier Becerra once again renewed the public health emergency (PHE) declaration, effective October 13, 2022. The declaration extends the PHE for another 90 days, although the Secretary has the right to terminate the declaration prior to its expiration date, with 60 days' advance notice. The Secretary has the authority to declare a PHE under Section 319 of the Public Health Service Act. COVID-19 was initially declared a PHE as of January 27, 2020. This is the eleventh 90-day PHE renewal.

What the PHE Means for Employers

The renewal of the PHE means that employer group health plans must continue to provide COVID-19 diagnostic testing at no cost in- and out-of-network and that testing must be 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 determined by the duration of the National Emergency declared by President Biden. 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 on or about January 11, 2023.

Resources

The October 13, 2022, COVID-19 PHE declaration is available [here](#).



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