

Lucky 13? HHS Renews Public Health Emergency Declaration – Perhaps for the Final Time

January 2023

Health and Human Services (HHS) Secretary Xavier Becerra once again renewed the public health emergency (PHE) declaration, effective January 11, 2023. 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 31, 2020. This is the twelfth 90-day renewal, marking thirteen 90-day PHE periods for the COVID-19 pandemic.

Speculation abounds that this might be the final renewal of the PHE. If that is the case, Secretary Becerra will have to provide notice of his intent not to further renew the PHE declaration no later than February 10, 2023.

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 April 11, 2023.

Resources

The January 11, 2023, COVID-19 PHE declaration is available [here](#).



About Aon:

[Aon plc](#) (NYSE: AON) exists to shape decisions for the better — to protect and enrich the lives of people around the world. Our colleagues provide our clients in over 120 countries and sovereignties with advice and solutions that give them the clarity and confidence to make better decisions to protect and grow their business.

Follow Aon on [LinkedIn](#), [Twitter](#), [Facebook](#) and [Instagram](#). Stay up-to-date by visiting the [Aon Newsroom](#) and sign up for News Alerts [here](#).