Status of COVID-19 Public Health Emergency (PHE) Declaration

The Department of Health and Human Services (HHS) has extended the COVID-19 public health emergency (PHE) multiple times. HHS first determined that a public health emergency existed on January 27, 2020, and the HHS Secretary has now renewed this determination 11 times. The renewals extend for 90 days.¹

Most recently, on October 13, 2022, the HHS Secretary issued another Renewal of Determination that a Public Health Emergency Exists. Thus, the PHE’s ongoing Medicaid coverage requirement will extend at least through January 11, 2023.

Additionally, the HHS Secretary told state governors that they will receive a 60-day notice prior to termination of the public health emergency (PHE).² Accordingly, if a decision is made that the PHE will not be renewed again or if a decision is made to terminate the declaration, states would have been sent notice of that determination no later than November 14, 2022.

Given that the federal government did not issue this 60-day notice in November 2022, it can be assumed that the PHE will continue past January 2023.³

¹ Public Health Service Act § 319(a) [42 USC § 247d(a)]
² Letter to Governors, HHS Secretary (Jan 21, 2021)

Current as of December 5, 2022