

# COVID-19 Health Emergency Likely to Last Through 2021, Health Officials Say By David Doolittle

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**The national public health emergency (PHE) related to COVID-19 likely will be extended another 90 days and likely throughout 2021, the acting secretary of the federal Health and Human Services (HHS) Department said in a letter to governors this week.**

The public health emergency, originally issued in January of last year, has been renewed every 90 days throughout the pandemic and was set to expire Jan 21. However, the outgoing HHS Secretary extended it until April 21.

“To assure you of our commitment to the ongoing response, we have determined that the PHE will likely remain in place for the entirety of 2021, and when a decision is made to terminate the declaration or let it expire, HHS will provide states with 60 days’ notice prior to termination,” Norris Cochran said in the letter.

TMA experts say the extension allows the Centers for Medicare & Medicaid Services (CMS) to maintain several COVID-19-related Medicare waivers and flexibilities, including paying the same rate for telemedicine visits as for in-person visits, and allowing use of audio-only

telemedicine services.

For Medicaid, the extension means Texas will continue to receive a 6.2% increase in federal Medicaid funding in exchange for maintaining coverage for people who enrolled on or after March 18, 2020, including women who otherwise would lose Medicaid 60 days postpartum.

In addition, at the state's discretion, Texas Medicaid can maintain its state and federal regulatory flexibilities, which the Texas Medical Association anticipates will happen. These flexibilities include payment for telephone- or audio-only telemedicine services, suspension of revalidation requirements, and elimination of cost-sharing for children enrolled in the Children's Health Insurance Program (CHIP).

The extension also means copayments related to COVID-19 testing (though not treatment) and any forthcoming vaccinations will be waived.

Certain HIPAA enforcement actions also will continue to be relaxed, specifically that physicians who use certain telemedicine platforms in good faith will not be penalized for noncompliance.

Throughout the pandemic, TMA has called continuously on state and federal leaders to allow flexibilities and expand programs in an effort to protect practices financially.

As always, check the TMA COVID-19 Resource Center regularly for up-to-date news and the latest TMA materials for your practice.

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