

LEGAL UPDATE

HHS Renews COVID-19 Public Health Emergency

On Oct. 2, 2020, the Department of Health and Human Services (HHS) renewed its determination that a public health emergency exists as a result of the coronavirus (COVID-19) pandemic, **effective Oct. 23, 2020**. This public health emergency, originally declared to have existed as of Jan. 27, 2020, was previously renewed on April 21, 2020, and July 23, 2020.

Impact on Employers

This public health emergency renewal extends the duration of a number of requirements related to the COVID-19 pandemic, including requirements under the following laws:

- The Families First Coronavirus Response Act (FFCRA); and
- The Coronavirus Aid, Relief and Economic Security (CARES) Act.

Among other things, these laws require group health plans to cover certain COVID-19-related diagnostic and preventive health services without cost-sharing or other barriers. These requirements are generally effective from **March 18, 2020, through the duration of the HHS-declared public health emergency**.

In general, a declared public health emergency lasts for 90 days or until HHS declares that it no longer exists, whichever occurs first. HHS may extend the public health emergency declaration for additional 90-day periods for as long as the public health emergency continues to exist.

Note that this public health emergency declaration is **separate** from the COVID-19 National Emergency declared by the President, which impacts the end of the “outbreak period” (beginning March 1, 2020) for deadlines related to HIPAA special enrollment, COBRA continuation coverage and other employee benefit plan deadlines.

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Important Dates

Jan. 27, 2020

HHS’ original declaration of a public health emergency due to the COVID-19 pandemic.

Oct. 2, 2020

HHS’ latest renewal that a public health emergency exists.

Oct. 23, 2020

The renewal of the public health emergency’s effective date. A public health emergency generally lasts for 90 days or until HHS declares its end.

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