



## CHC Programs Impacted by the HHS Public Health Emergency

Numerous allowances and requirements are tied to the U.S. Health and Human Services declared Public Health Emergency that impact CHCs. The Biden Administration announced that the PHE will end **May 11, 2023**.

CCHN staff compiled the below programs that are impacted by the PHE, and notes when each requirement impacted by the PHE will expire.

Requirement	Effective Date	Expiration Timeline	End date	Citations
<b>Medicaid</b>				
Enhanced Federal Medicaid Assistance Percentage (FMAP) of 6.2% to HCPF	January 1, 2020	Phased expiration: 5% Apr. – Jun. 2023 2.5% Jul. – Sept 2023 1.5% Oct. – Dec. 2023. 0% in 2024	Phased down approach between Apr. 2023 to Dec. 2023.  Match ends Dec. 31, 2023	FFCRA § 6008(a)  Revised with Consolidated Appropriations Act, 2023
Maintenance of Effort (MOE) Requirement (i.e. states cannot change Medicaid benefits significantly)	January 1, 2020	End of the quarter in which PHE ends	June 30, 2023	FFCRA § 6008(b)(1) and (2)
Cover COVID-19 vaccination, testing, and treatment without cost-sharing for Medicaid members	January 1, 2020	End of the quarter that starts one year after the PHE ends	September 30, 2024	FFCRA § 6008(b)(1) and (2)  <a href="#">CMS SHO Letter</a>
Medicaid Continuous Coverage Requirement	March 18, 2020	De-linked from the PHE. States can begin disenrollments April 2023.	March 31, 2023	<a href="#">Consolidated Appropriations Act</a>  <a href="#">CMS Resources</a>
Medicaid - Telehealth audio-visual and audio only	March 18, 2020	Tied to CMS interpretation	Will extend past the PHE. Both audio-visual and audio-only telehealth are protected in Colorado state statute. CHCs receive their encounter rate for these visits.	<a href="#">SB20-212, Reimbursement for Telehealth Services</a>  <a href="#">CMS Toolkit</a> (Dec. 2021)  <a href="#">HCPF Provider bulletin</a> – p. 15 April 2022
Medicaid – Teledentistry emergency codes (D9995)	March 18, 2020	Tied to MOE	D9995 will continue to be a covered benefit after the end of PHE	<a href="#">HCPF Guidance</a>

Medicaid COVID Testing benefit for the uninsured (no cost sharing)	March 18, 2020	Through end of PHE	May 11, 2023	FFRCA 60001(a) <a href="#">HCPF Provider bulletin</a> – p. 8-9 April 2022  <a href="#">HCPF memo, O23-018</a> , - p. 4
<b>Medicare</b>				
Medicare - Telehealth medical visits	Jan. 27, 2020	De-linked from the PHE. Expiration set to end of 2024 without Congressional action	December 31, 2024	<a href="#">Consolidated Appropriations Act</a>  Originally CARES Act § 3704 <a href="#">MLN Matters</a> (Nov. 2022)
Medicare - Telehealth Behavioral Health Visits	Jan. 1, 2022	No end date; made permanent	After Oct. 10, 2023, patients need to have one in-person visit per year.	<a href="#">MLN Matters</a> (June 2022, revised Dec. 2022)
Temporary expansion locations	March 1, 2020	Through end of PHE	May 11, 2023	<a href="#">List of CMS waivers</a>
Cover up to 8 over the counter COVID-19 tests per month under Medicare Part B, including Medicare Advantage Plans	April 4, 2022	Through end of PHE	May 11, 2023	<a href="#">CMS Fact Sheet</a>
Cover COVID-19 PCR and antigen tests without cost sharing for Traditional Medicare and Medicare Advantage	February 27, 2023	Through end of PHE	May 11, 2023  Medicare Advantage plans may charge cost-sharing when the PHE ends. No cost-sharing changes for Traditional Medicare.	<a href="#">CMS Fact Sheet</a>
<b>HIPAA</b>				
Enforcement discretion for telehealth remote communications	March 17, 2020	Through end of PHE	May 11, 2023, enforcement will resume August 10, 2023	<a href="#">OCR notice</a>
Disclosures by Business Associates	April 2, 2020	Through end of PHE	May 11, 2023	<a href="#">OCR notice</a>
Enforcement discretion at community-based testing sites	March 12, 2020	Through end of PHE	May 11, 2023	<a href="#">OCR notice</a>

Online Scheduling for COVID Vaccines	December 11, 2020	Through end of PHE	May 11, 2023	<a href="#">OCR notice</a>
<b>MAT</b>				
Prescribing Controlled Substances via telehealth	March 31, 2020	Through end of PHE	May 11, 2023 The DEA has proposed a <a href="#">permanent rule</a> , comments were due March 31, 2023.	DEA notice
<b>Workforce</b>				
CMS workforce flexibilities for FQHCs and RHCs including nurse home visits, staffing requirements and physician supervision of NPs	Started March 1, 2020	Ending dates vary, review the CMS list of waivers for details.	Varies	<a href="#">List of CMS waivers for FQHCs and RHCs</a>
Virtual Supervision	Feb 27, 2023	End the calendar year after the end of the PHR	Dec 31, 2023	<a href="#">List of CMS waivers for Physicians and other Clinicians</a>
CHCs eligibility to add temporary sites in response to emergency	Jan. 31, 2020	Through end of PHE	May 11, 2023	<a href="#">PAL 2020-05</a>
NHSC flexibilities	March 2020	Through end of PHE	May 11, 2023	<a href="#">NHSC website</a>
<b>OIG</b>				
Administrative enforcement for COVID-19	May 21, 2021	Through End of PHE	May 11, 2023	<a href="#">Informal guidance through FAQs</a>
<b>HRSA</b>				
Particularized determination for FTCA	March 31, 2020	No clear expiration date		<a href="#">Determination of Coverage</a>
Health Center Program Requirements Flexibility	March 2020	Through End of PHE	May 11, 2023	<a href="#">COVID-19 FAQs</a>
<b>PREP Act</b>				
Protection for administering the COVID-19 vaccine (includes pharmacists, pharmacy interns, and pharmacy technicians)	April 14, 2023	December 2024	Dec 31, 2024	HHS Authorization