

CMS Provides New Fact Sheet Regarding CMS Waivers, Flexibilities, and the Transition Forward from the COVID-19 Public Health Emergency

Category: Policy Blog

written by Colin Tompson | March 20, 2023

On February 27, 2023, Centers for Medicare & Medicaid Services (CMS) issued a new [fact sheet](#) regarding the ending of the federal Public Health Emergency for COVID-19 (PHE). The PHE was declared by the Department of Health and Human Services (HHS) under Section 319 of the [Public Health Services Act](#) and is scheduled to expire at the end of the day on May 11, 2023. The fact sheet is intended to provide clarity of the following services for receiving health care at the end of the PHE:

- COVID-19 vaccines, testing, and treatments
- Telehealth services
- Health Care Access: Continuing flexibilities for health care professionals
- Inpatient Hospital Care at Home: Expanded hospital capacity by providing inpatient care in a patient's home.

What Won't Be Affected

There are significant flexibilities and actions that will not be affected during the transition to the ending of the PHE. HHS is committed to ensuring that COVID-19 vaccines and treatments will be widely accessible to all who need them. There will also be continued access to pathways for emergency use authorizations (EUAs) for COVID-19 products through the Food and Drug Administration (FDA), and telehealth flexibilities will continue to exist for those participating in Medicare or Medicaid.

Medicaid Continuous Enrollment

The continuous enrollment condition for individuals enrolled in Medicaid is no longer linked to the end of the PHE. Under the [Families First Coronavirus Response Act](#), states claiming a temporary 6.2 percentage point increase in the Federal Medical Assistance Percentage (FMAP) have been unable to terminate enrollment for most individuals enrolled in Medicaid as of March 18, 2020, as a condition of receiving the temporary FMAP increase. As part of the [Consolidated Appropriations Act, 2023](#), the continuous enrollment condition will end on March 31, 2023. The temporary FMAP increase will be gradually reduced and phased down beginning April 1, 2023 and will end on December 31, 2023.