

HPMS E-Mail

Date: February 23, 2023

Subject: Public Health Emergency (PHE) 1135 Waivers: Updated Guidance for Providers

From the CMS Office of Communications:

On February 9, the Department of Health and Human Services (HHS) announced the [Public Health Emergency \(PHE\) for COVID-19 will end on May, 11, 2023](#). COVID-19 remains a significant priority for the Biden-Harris Administration and over the next several months, the Centers for Medicare & Medicaid Services (CMS) will work to ensure a smooth transition. During the PHE, CMS has used a combination of emergency authority waivers, regulations, enforcement discretion, and sub-regulatory guidance to ensure easier access to care during the PHE for health care providers and their beneficiaries.

Some of the flexibilities that were created during the pandemic were recently expanded by the Consolidated Appropriations Act, 2023. Others, while critical during our initial responses to COVID-19, are no longer needed. CMS has made further updates to our [CMS Emergencies Page](#) with useful information for providers – specifically around major telehealth and individual waivers – that were initiated during the Public Health Emergency (PHE).

Please reference the following guidance in response to the PHE ending May 11, 2023:

Provider-specific fact sheets about COVID-19 Public Health Emergency (PHE) waivers and flexibilities: <https://www.cms.gov/coronavirus-waivers>

CMS COVID-19 Waivers and Flexibilities for Providers include:

- Physicians and Other Clinicians
- Hospitals and CAHs (including Swing Beds, DPUs), ASCs and CMHCs
- Teaching Hospitals, Teaching Physicians and Medical Residents
- Long Term Care Facilities (Skilled Nursing Facilities and/or Nursing Facilities)
- Home Health Agencies
- Hospice

- Inpatient Rehabilitation Facilities
- Long Term Care Hospitals & Extended Neoplastic Disease Care Hospitals
- Rural Health Clinics (RHCs) and Federally Qualified Health Centers (FQHCs)
- Laboratories
- Medicare Shared Savings Program
- Durable Medical Equipment, Prosthetics, Orthotics and Supplies
- Medicare Advantage and Part D Plans
- Ambulances
- End Stage Renal Disease (ESRD) Facilities
- Participants in the Medicare Diabetes Prevention Program
- Intermediate Care Facility for Individuals with Intellectual Disabilities

Department of Health & Human Services Fact

Sheet: <https://www.hhs.gov/about/news/2023/02/09/fact-sheet-covid-19-public-health-emergency-transition-roadmap.html>

In the coming weeks, CMS will be hosting stakeholder calls and office hours to provide additional information. Please continue to visit the CMS Emergencies Page for continuous updates regarding PHE sunseting guidance as information becomes available to the public.