

BENEFITS BUZZ

White House Announces End of COVID-19 Emergency



On Jan. 30, 2023, the Biden administration [announced](#) that it plans to end the COVID-19 public health emergency (PHE) and national emergency on **May 11, 2023**.

The COVID-19 PHE and national emergency were declared in early 2020 and have been extended numerous times since then. The Biden administration intends to extend the emergency periods until May 11, 2023, and then end both periods on that date. According to the White House, this timeline supports an orderly wind-down of emergency measures and aligns with its commitment to give at least 60 days' notice before the termination of the PHE.

The end of the COVID-19 emergency periods triggers the end of many emergency measures related to the federal government's pandemic response, including some requirements for employer-sponsored health plans.

When the PHE ends, health plans will no longer be required to cover COVID-19 diagnostic tests and related services without cost sharing. Non-grandfathered health plans will still be required to cover recommended preventive services, including COVID-19 immunizations, without cost sharing, but this coverage requirement will be limited to in-network providers.

In addition, during the COVID-19 outbreak period (which is tied to the national emergency), certain health plan deadlines are extended, including those to request special enrollment under HIPAA, elect COBRA continuation coverage, and comply with plans' claims and appeals procedures. The COVID-19 outbreak period is scheduled to end on **July 10, 2023** (60 days after the national emergency ends). When it ends, health plans can go back to their regular deadlines.

Proposed Rule Would Expand Access to Contraceptive Coverage

On Jan. 30, 2023, the Departments of Health and Human Services, Labor and the Treasury (Departments) released a new [rule](#) that, if finalized, would expand access to contraceptive coverage.

Non-grandfathered health plans must cover certain contraceptive services without cost sharing. However, current rules include an exemption and optional accommodations process for eligible employers with sincerely held religious or moral objections to contraceptive coverage. When an employer qualifies for the exemption but does not use the optional accommodations process, employees and their dependents do not have access to first-dollar contraceptive coverage through these plans.

The proposed rule would rescind the moral exemption to contraceptive coverage but retain the existing religious exemption. The proposed rule would also establish a new way for individuals to access contraceptives at no cost when they are enrolled in plans that qualify for an exemption and do not use the optional accommodations process. The proposed rule would allow individuals to obtain contraceptive services at no cost directly from a willing health care provider.

At this time, the rule is only in the proposed form and has not been finalized. The Departments are accepting comments on the proposed rule until April 3, 2023.