



Federal Public Health Emergency Extended *Issued 10.7.20*

The U.S. Department of Health and Human Services has renewed for a third time the federal public health emergency (PHE) as a result of the continued consequences of the COVID-19 pandemic. The current authority expires January 21, 2021. For more information see [Renewal of Determination That a Public Health Emergency Exists](#) published October 2, 2020.

Impact on Providers

The health care and safety of Medicaid providers and participants is a priority during the COVID-19 emergency. **All COVID-19 related flexibilities implemented by the Department remain in place, including the ability to offer telehealth services delivered using audio-only or non-HIPAA compliant technology.** The flexibilities the Department of Health (the Department) has been able to offer health care providers during this time are based on both Executive Orders from the Governor of Maryland and waivers from the federal government. Information regarding these flexibilities is available on the [COVID-19 Provider Information page](#).

To prevent transmission and spread of COVID-19 disease, the Department has implemented certain flexibilities with respect to delivery of services covered by the Medical Assistance Program via telehealth, these include:

- Permitting a participant's home or any other secure location to serve as a telehealth originating site for purpose of delivery of Medicaid-covered services;
- Permitting reimbursement for audio-only health care services delivered by phone; and
- Permitting use of telehealth technology not compliant with HIPAA.

The Department will continue to reimburse services delivered using HIPAA-compliant technology until the end of the Maryland State of Emergency. This flexibility is not tied to the federal PHE.

The federal waivers that allow for telephonic and non-HIPAA compliant technology are scheduled to sunset in tandem with the end of the federal Public Health Emergency. In the event that the federal PHE is not extended a fourth time, these specific flexibilities will end on January 21.

Impact on COVID-19 Waivers

The Centers for Medicare and Medicaid Services has granted the Department numerous waivers to assist healthcare providers in responding to COVID-19. The extension of the federal PHE means these waivers, including the 1135 waiver and the disaster state plan amendments will remain in place.

Note that the Department's 1915 Appendix K authorities remain in effect until February 28, 2021, and March 12, 2021. The expiration of these authorities is not directly tied to the end of the federal Public Health Emergency.

More information on the COVID-19 Waivers is [available on the Department's website](#).