

## **Health Information Compliance Alert**

## **Reader Question: Know That a PHE Has Time Limits**

Question: Is a public health emergency (PHE) ever shorter or longer than 90-day increments?

Florida Subscriber

**Answer:** A PHE falls under Section 319 of the Public Health Services Act and is good for a duration of 90 days. However, it may be shortened by the Department of Health and Human Services (HHS) Secretary if it's determined an emergency no longer exists. A PHE is always extended in 90-day increments, hence why the COVID-19 PHE is now on its 10th extension.



In order for the feds to relax regulations and requirements, a number of things must happen in a specific order. Here's a succinct breakdown of the necessary events that lead to a PHE:

- 1. A disaster or emergency occurs.
- 2. A state of emergency is called by a governor.
- 3. The President of the United States declares an emergency or disaster under the Stafford Act or the National Emergencies Act for the impacted areas or state.
- 4. The HHS Secretary declares a PHE.
- 5. Once the PHE is declared, Section 1135 of the Social Security Act authorizes the HHS Secretary to waive or modify certain Medicare, Medicaid, CHIP, EMTALA, and HIPAA requirements.