

# National Hospice and Palliative Care Organization Policy Alert

## Extension of the COVID-19 Public Health Emergency (PHE)

To: NHPCO Provider and State Members

From: NHPCO Policy Team

Date: October 18, 2021

The US Department of Health and Human Services announced on Friday that the [Public Health Emergency \(PHE\) has been extended for another 90 days](#). It states:

### **Extension of PHE**

*As a result of the continued consequences of the Coronavirus Disease 2019 (COVID-19) pandemic, on this date and after consultation with public health officials as necessary, I, Xavier Becerra, Secretary of Health and Human Services, pursuant to the authority vested in me under section 319 of the Public Health Service Act, do hereby renew, effective October 18, 2021, the January 31, 2020, determination by former Secretary Alex M. Azar II, that he previously renewed on April 21, 2020, July 23, 2020, October 2, 2020, and January 7, 2021, and that I renewed on April 15, 2021 and July 19, 2021, that a public health emergency exists and has existed since January 27, 2020, nationwide.*

The extension is effective October 18, 2021 and will continue for 90 days until January 16, 2022.

**CMS 1135 Waivers:** The [CMS 1135 waiver flexibilities for health care providers](#) includes 13 waiver provisions for hospice providers. These provisions will remain in effect as long as a COVID-19 public health emergency is in effect.

**Hospice Face-to-Face Encounter:** Section 3706 of the [CARES Act](#) is a provision that allows hospice physicians and nurse practitioners to conduct recertification face-to-face encounters through telehealth “during the COVID-19 emergency period. Note that the statutory provision is “telehealth” which has been defined by CMS as including both audio and visual components. This provision remains in effect with the extension of the PHE.

### **CARES Act**

#### **Section 3706. Allowing for the Use of Telehealth during the Hospice Care Recertification Process in Medicare**

Under current law, hospice physicians and nurse practitioners cannot conduct recertification encounters using telehealth. This section would allow, during the COVID-19 emergency period, qualified providers to use telehealth technologies in order to fulfill the hospice face-to-face recertification requirement.

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