



End of an Era: COVID-19 Public Health Emergency is Ending

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The Biden Administration recently announced its intent to end the national emergency and public health emergency declarations on May 11, 2023, over three years since the COVID-19 pandemic began. While there have certainly been significant changes over the past three years since the COVID-19 pandemic began, there will also be significant changes when the public health emergency ends. For example, coverage and cost-sharing obligations for COVID-related treatment and tests may increase. In addition, many of the waivers relaxing regulatory requirements will end. In that regard, the Centers for Medicare & Medicaid Services (CMS) developed a roadmap for the end of the public health emergency that all providers should review in preparation for May 11, 2023.

There are some changes, however, that arose from the COVID-19 pandemic that are here to stay, in some form or fashion, following the end of the public health declarations.

Cyber-Security Focus

When the COVID-19 pandemic shut down the world, in many industries, there was a shift of employees from an office environment to a work from home environment. As a result, businesses experienced an increase in cyber-incidents, causing businesses to focus more (and spend more) on cybersecurity efforts and prevention. While some employees have returned to work, there are still a number of individuals working remotely or

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working a hybrid schedule. That factor, combined with the level of sophistication of cyber-incidents, will result in businesses continuing to experience cyber threats. Health care entities are prime targets given the vast amount of personal information they maintain. Thus, investments in technology upgrades, cybersecurity prevention, and employee education will continue to be of concern for health care entities following the end of the public health emergency.

Staffing Challenges: While health care providers have faced staffing challenges and nursing shortages for years, the COVID-19 pandemic certainly exacerbated those challenges. Over the past three years, almost all industries have faced staffing shortages, as people opted for employment where they could work from home and have more flexibility. However, the health care industry seemed to experience the worst impact—with record high volumes of patients to treat and record low volumes of staff to treat such patients. Unfortunately, many predictions indicate that the staffing challenges in the health care industry are long-term and will force health care providers to re-think how health care is delivered. If health care providers have learned anything during the COVID-19 pandemic, it was how to pivot, and this long-term staffing challenge will certainly present some unique opportunities to pivot.

Telehealth

Telehealth services exploded as a result of the COVID-19 pandemic. Most indications are that increased usage of telehealth services will remain post-pandemic, with third-party payors implementing new payment policies with respect to such services. While some of the telehealth relaxations from the COVID-19 pandemic may no longer be in effect following the end of the public health emergency, the prevalent use of telehealth services will continue. In fact, the Medicare telehealth flexibilities will remain in place through December 2024 as a result of the Consolidated Appropriations Act, 2023. Patients realized they liked not having to go to a physician office to be treated (with the difficult parking and long wait times). Physicians realized they liked being able to more efficiently treat patients via telehealth with a lower overhead expense. Employers realized that they liked employees having the option to “see” a physician quickly during a lunch break without having to take off the entire day. Thus, we will continue to see a larger percentage of health care services being delivered via telehealth, as well as significant advances in technology in that regard.

Health care providers have learned a lot over the past three years and have faced many challenges. However, from every challenge comes an opportunity for growth and change, some good and some more difficult. Nonetheless, healthcare providers need to position themselves to address the changes arising from the COVID-19 pandemic that will extend beyond the end of the public health emergency.