

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

DEBORAH CARR, BRENDA MOORE,
MARY ELLEN WILSON, MARY SHAW,
and CAROL KATZ, on behalf of themselves
and those similarly situated,

Plaintiffs,

v.

XAVIER BECERRA, SECRETARY,
UNITED STATES
DEPARTMENT OF HEALTH AND
HUMAN SERVICES,

Defendant.

Civil Action No. 3:22-cv-988 (MPS)

CLASS ACTION REQUESTED

November 15, 2022

NOTICE OF REPORTED EXTENSION OF PUBLIC HEALTH EMERGENCY

Plaintiffs file this notice to advise the Court of reports quoting spokespersons for the Defendant Secretary that he has not given the promised 60 days' advance notice to states¹ that he is terminating the COVID-19 Public Health Emergency ("PHE") in mid-January, as currently scheduled, and therefore that the PHE will be extended again.²

On November 7, 2022, the Honorable Omar A. Williams issued his ruling on Plaintiffs' motion for a preliminary injunction ("PI") in this matter as to the five Named Plaintiffs. Ruling

¹ See Letter from Xavier Becerra, Secretary of Health and Human Services & Chiquita Brooks-LaSure, CMS Administrator to Governor (May 10, 2022), *available at* <https://www.medicaid.gov/resources-for-states/downloads/unwinding-gov-ltr-05102022.pdf>,

² See, e.g., Nathaniel Weixel, U.S. To Keep COVID Public Health Emergency Through January, The Hill, Nov. 14, 2022, <https://thehill.com/policy/healthcare/3735058-u-s-to-continue-covid-public-health-emergency-through-january/>; Ahmed Aboulenein & Jeff Mason, U.S. COVID public health emergency to stay in place, Reuters, Nov. 11, 2022, <https://www.reuters.com/world/us/us-will-renew-covid-19-public-health-emergency-january-2022-11-11/>.

Granting PI, (ECF# 77) (“Ruling”). The Court noted therein that, “Under the Public Health Service Act, the duration of the PHE is determined by the Secretary of Health and Human Services, and is extended in approximately 90-day increments. 42 U.S.C. § 247d(a). At present, absent another extension, the PHE will end in January 2023. *See* ‘Renewal of Determination that a Public Health Emergency Exists,’ available at <https://aspr.hhs.gov/legal/PHE/Pages/covid19-13Oct2022.aspx> (last visited October 27, 2022).” Ruling at 2 n.3. Since the PHE is extended in 90-day increments, the lack of notice to the states as of Friday, November 11, 2022, effectively means the PHE will be extended until mid-April, subject to possible further extensions.

DATED: November 15, 2022

Respectfully Submitted,

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Certificate of Service

I hereby certify that on November 15, 2022, a copy of the foregoing document was filed electronically and served by overnight delivery to anyone unable to accept electronic filing. Notice of this filing will be sent by email to all parties by operation of the Court's electronic filing system or by overnight delivery to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

s/Sheldon V. Toubman
Sheldon V. Toubman