

> Covid-19 Client Alert

DOL Temporarily Extends COBRA Deadlines and Updates COBRA Notices

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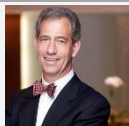


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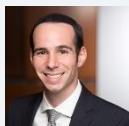


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The United States Department of Labor (“DOL”) has extended key COBRA deadlines in an effort to minimize burdens on individuals and employers during the national state of emergency caused by COVID-19, and has updated its model COBRA notice forms. Our alert discusses these developments.

Extension of COBRA Deadlines

On May 4, 2020, the DOL and the Internal Revenue Service published a joint [rule](#) (the “Rule”) extending certain deadlines for group health, disability and other welfare plans and pension plans under the Employee Retirement Income Security Act and the Internal Revenue Code. Among other extensions, the Rule requires welfare benefit plans to disregard the period beginning on March 1, 2020 and ending on the 60th day after the federally declared COVID-19 national emergency ends (or a later date that the agencies may subsequently announce) (the “Outbreak Period”) for purposes of:

- The 60-day COBRA coverage election period. For example, assuming for illustrative purposes only, that the national emergency ends May 15, 2020, a qualifying individual who receives a COBRA election notice at any time between March 1, 2020 and May 15, 2020 would have until September 12, 2020 (60 days after the assumed end of the Outbreak Period) to elect COBRA continuation coverage.
- Initial and regular monthly COBRA premium payment dates. Insurers and plans may not deny or cut off coverage to those already receiving continuation coverage for failure to pay monthly COBRA premiums during the Outbreak Period, as long as the missed premium payments are made, *i.e.*, fully caught up, by the first applicable payment deadline after the end of the Outbreak Period.
- The date to notify a plan sponsor of a COBRA qualifying event or determination of disability.
- The 30-day period (or 60-day period, if applicable) to request special enrollment under an employer’s group health plan for individuals who previously declined coverage.
- The deadline for group health plans, sponsors and administrators to provide COBRA election notices to qualifying individuals. Unfortunately, the mechanics of this extension remain unclear, so plans, sponsors and administrators should continue to comply with the

pre-extension deadlines for such notices to the extent possible until further guidance is issued.

The Rule similarly pauses time periods under COBRA that have already started to run.

Updated COBRA Notices

The DOL has also published [updated model COBRA notices](#) and a set of [FAQs](#) regarding the notices. The updates clarify the interactions between Medicare and COBRA. As with earlier model notices, plan administrators must complete the new models by filling in the blanks with the appropriate plan information. The DOL considers use of its model notices to constitute compliance with the notice content requirements of COBRA, so administrators are strongly encouraged to promptly update their COBRA notice forms to match the new DOL models.

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Morrison Cohen LLP has created the [COVID-19 Resource Taskforce](#), a multidisciplinary taskforce comprised of attorneys with deep expertise in a broad range of legal areas, to assist clients navigating the challenging and uncertain business and legal environment caused by the COVID-19 pandemic. We encourage clients to utilize our capabilities by reaching out to their primary Morrison Cohen attorney contact, who will put you in touch with the appropriate Taskforce person. You may also reach out directly to Joe Moldovan and Alec Nealon, the Taskforce co-chairs:

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