



## DOL Extends Benefit Plan Timeframes Impacting COBRA Timelines

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The US Department of Labor (“DOL”) and various other federal agencies have issued [new final rules](#) imposing mandatory timeframe extensions for common employee benefit compliance requirements. Specifically, these federal agencies have acknowledged that employers, employees, and dependents may have difficulty meeting the usual timeframes with respect to HIPAA, COBRA, and claims. As a result of this, the new final rules just issued extend certain timeframes to assist employers and employees in the process of maintaining employer-sponsored group health plan coverage. Among the rules are new “extended” timelines affording employees additional time to select COBRA as a result of the COVID-19 National Emergency. Specifically, the set of new rules extends certain timeframes related to:

- HIPAA special enrollment period
- COBRA election period
- COBRA premium payment period

- COBRA qualifying event notice period
- Deadlines related to claims

The DOL has also issued [COVID-19 FAQs](#) designed to help employee benefit plan participants and plan sponsors impacted by the COVID-19 outbreak understand their rights and responsibilities under ERISA.

### **Outbreak Period and Extension Rules - COBRA**

The extensions of employee and dependent timeframes apply to the period *March 1, 2020 until 60 days after the announced end of the National Emergency period* (or such other date as announced in subsequent guidance). This is now referred to as the “Outbreak Period.” The rule includes “examples” that assume the National Emergency ended on April 30, 2020 with the Outbreak Period ending on June 29, 2020 (the 60th day after the end of the National Emergency). The assumed April 30, 2020 end-date results in an Outbreak Period running from March 1, 2020 through June 29, 2020. Here is the application of the new rule assuming the “example” dates from the DOL on key items:

- The rule extends the usual 60-day COBRA election period by disregarding the Outbreak Period. So one’s 60 day COBRA election period would be 60 days from June 29<sup>th</sup> even though they may have come off the plan sooner.
- The rule extends the usual 60-day employee COBRA qualifying event or determination of disability notification timeframes by disregarding the Outbreak Period. So one’s 60 day COBRA qualifying event or determination of disability notification would be 60 days from June 29<sup>th</sup> even though they may have come off the plan sooner.
- The rule extends the usual 45-day initial COBRA premium payment and 30-day grace period for subsequent premium payment timeframes by disregarding the Outbreak Period.
- The rule extends the 30-day (or 60-day period, if applicable) HIPAA special enrollment timeframes by disregarding the Outbreak Period.

- The rules extend the timeframes for plan participants to file or perfect benefit claims or appeals of denied claims.

Employers and Plan Sponsors will need to ensure their COBRA vendor has adopted the necessary measures to comply with and administer the new changes. It is essential to be in immediate contact with one's vendor in this area to ensure their readiness and adherence to the changes.

Conner Strong & Buckelew will provide alerts and updates as new information becomes available. Please contact your Conner Strong & Buckelew account representative toll-free at 1-877-861-3220 with any questions. For a complete list of Legislative Updates issued by Conner Strong & Buckelew, visit our online [Resource Center](#).

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