

## Department of Labor Releases Guidance on Extension of COBRA & HIPAA Special Enrollment Deadlines Due to COVID-19 National Emergency

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The Department of Labor (DOL) has recently issued [new guidance](#) that continues the current COBRA & HIPAA Special Enrollment deadline extension due to the COVID-19 National Emergency.

BRSi will continue to follow these guidelines closely as our staff handles COBRA administration for a majority of our clients that are required to offer COBRA continuation coverage. Please read below for more information regarding the continued deadline extension and how BRSi will continue to handle these requirements.

### National Emergency & the “Outbreak Period”

On **February 26, 2021**, the DOL issued new guidance that extended the previous National Emergency Order that was effective beginning **March 1, 2020**. As a result, COBRA and HIPAA Special Enrollment deadlines will continue to be extended.

The new guidance reaffirms that the period from March 1, 2020 until the end of the National Emergency should be disregarded for purposes of calculating deadlines. Currently, **an official end date of the National Emergency has not been decided.**

Once an end date is determined, there will be a mandatory **60 day** administrative period in place. This will effectively add an **additional 60 days** to all COBRA and HIPAA Special Enrollment deadlines.

### Temporary Expansion of COBRA Deadlines

COBRA administration must continue to adhere to the following, temporary deadline extensions:

#### **COBRA ELECTION PERIOD**

- 60 days after the end date of the National Emergency + an additional 60 days

#### **COBRA SPECIAL ENROLLMENT**

- 60 days after the end date of the National Emergency + an additional 30 days (or 60 days, if applicable)

#### **COBRA PREMIUM PAYMENTS**

- 60 days after the end date of the National Emergency + and additional 45 day grace period after initial election (or an additional 30 day grace period for any subsequent payments)\*

*\*Plans may terminate coverage for any COBRA participant that fails to make premium payments and may retroactively reinstate coverage if payments are made within this extended grace period*

## **NOTIFYING PLAN OF QUALIFYING EVENT OR DISABILITY**

- 60 days after the end date of the National Emergency + an additional 60 days

## **FILING BENEFIT CLAIMS, APPEALS, & REQUESTS FOR EXTERNAL REVIEW**

- 60 days after the end of the National Emergency + any additional days determined based on the reason for request

**PLEASE NOTE:** If BRSi is currently administering your COBRA, these extended deadlines **do not require any action** on your part. BRSi has been taking all of the necessary steps to ensure compliance with these deadlines.

BRSi does not anticipate many individuals taking advantage of these extended deadlines. But employers should be aware of these new rules if we process a new COBRA enrollee or reinstate a (previously covered) COBRA enrollee within the revised extended periods.

### **BRSi Modifying COBRA Administration to Adhere to Extended Deadlines**

BRSi has updated its COBRA administration practices as follows to adhere to these deadlines:

- All required COBRA Notices have been updated to reflect the extended deadlines.
- All Qualified Beneficiaries (any plan participant that lost coverage and qualifies for COBRA continuation coverage) who lost coverage **on or after March 1, 2020** will be mailed a separate notice that notifies them of the extended deadlines.

### **Temporary Expansion of HIPAA Special Enrollment Deadlines**

HIPAA Special Enrollment administration must continue to adhere to the following, temporary deadline extensions:

#### **HIPAA Special Enrollment (Loss of CHIP or Medicaid Coverage)**

- 60 days after the end of the National Emergency + an additional 60 days

#### **HIPAA Special Enrollment (Loss of other coverage or qualified life event)**

- 60 days after the end of the National Emergency + an additional 30 days

If you have any additional questions or concerns, please contact me at [adillingham@benefitreview.com](mailto:adillingham@benefitreview.com)

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