



Sample Notification Language

Editorial Note (Do Not Include in Notification): The sample language provided below is not intended to constitute legal advice regarding the need to provide a notification regarding the expiration of the COBRA timeline extensions, nor is it intended to constitute legal advice regarding the appropriate content of any such notification. It is intended to provide a sample starting point for an employer's notification, if it chooses to provide one. Any notification provided by an employer, including one based on the following sample language, should be reviewed by an employer's qualified legal counsel.

You are receiving this notification because you are a current or former participant in one or more of the group health plans that we sponsor. You were previously informed that certain deadlines related to COBRA continuation coverage had been extended due to the COVID national emergency. The extended deadlines include (1) the deadline to notify the plan of a qualifying event, a second qualifying event, and a Social Security Administration disability determination; (2) the deadline to elect COBRA continuation coverage; (3) the deadline for paying the initial COBRA premium following an election of COBRA coverage; and (4) the deadline for paying subsequent monthly COBRA premiums.

The prior notification regarding the extension of these deadlines did not specify the length of the extensions or when they would expire. The extension's expiration was not known at that time. In some cases, we still do not know specifically when the extension will expire. However, the Department of Labor (DOL) recently provided guidance regarding the length of the extensions that will impact the deadlines for certain actions related to COBRA continuation coverage under our group health plans.

EXPIRATION OF EXTENSIONS

The applicable COBRA time period cannot be extended more than one year beginning on the date on which the applicable time period would normally begin to run. As discussed below, the extension may be shorter than one year in some cases, but the law does not authorize the DOL to extend a deadline for a period of more than one year. Accordingly, except as provided below, the extended COBRA deadlines will expire one year after the date on which the deadline would have expired in the absence of the COVID-related extension.

Editorial Note (Do Not Include in Notification): Including examples of when the deadlines will expire is optional. If the examples are not included, remove the example from the Caution box below as well.

EXAMPLES:

CAUTION: These examples are for illustrative purposes only and are not intended to reflect your personal situation. The relevant dates for your personal situation likely will differ from these examples.

- If a participant and covered spouse divorced on March 1, 2020 (meaning they normally would have been required to notify the plan of the divorce no later than April 30, 2020), they must notify the plan of the divorce no later than April 30, 2021.
- If the deadline for making a COBRA election would have been April 30, 2020 (absent the extension due to COVID), the extension of that deadline will expire on April 30, 2021, and the qualified beneficiary must elect COBRA coverage by that date to preserve the qualified beneficiary's right to COBRA continuation coverage.



- If a qualified beneficiary elected COBRA coverage on March 31, 2020, but has not yet paid the initial COBRA premium (which would have normally been due May 15, 2020), the initial premium now must be paid on or before May 15, 2021.
- If the premium grace period for the COBRA premium due for the month of July 2020 would have normally expired on July 31, 2020, that COBRA premium grace period will now expire on July 31, 2021 (i.e., the July 2020 premium can be paid no later than July 31, 2021).

CAUTION: In some cases, an extended deadline will expire earlier than the one-year anniversary of the normal deadline as described above. When the federal government announces an end to the COVID national emergency (which has not yet occurred), the outbreak period will end 60 days later. Once the outbreak period ends, all extended COBRA timelines will begin running again. Qualified beneficiaries will then have the applicable time period (or the remaining amount of the applicable time period if it began to run prior to March 1, 2020) to act (e.g., provide notice to the plan, elect COBRA, and/or pay COBRA premiums) following the end of the outbreak period.

For example, if the COVID national emergency were to end on March 31, 2021, the outbreak period would then end 60 days later on May 30, 2021. In that case, the premium grace period for the COBRA premium referenced in the example described above (for the month of July 2020) would begin running on May 31, 2020, meaning the July 2020 premium would be due no later than June 29, 2021, if the plan provides a 30-day premium grace period.

ALTERNATIVES TO COBRA COVERAGE

If you are considering whether to elect or maintain COBRA continuation coverage, you should consider any alternatives you may have to COBRA coverage. Other options include (but are not necessarily limited to) the opportunity to obtain coverage through the Health Insurance Marketplace in your state. A special enrollment period is currently available through May 15, 2021, to individuals in the 36 states that use the HealthCare.gov platform. In addition, some states that operate their own Marketplace platforms are offering a similar special enrollment opportunity. For more information on the Health Insurance Marketplace special enrollment period, go to www.HealthCare.gov. For a list of states that do not use HealthCare.gov and links to their Marketplaces, go to: www.healthcare.gov/marketplace-in-your-state/.

QUESTIONS

If you have questions about COBRA deadlines (including when a particular deadline will expire in light of the information provided in this notification), or questions about the COBRA coverage available under our group health plans, please contact **[insert contact information]**.