



HAYS COMPANIES

# Updated Guidance: COBRA, HIPAA and Claims Timeframes

Last April's EBSA Disaster Relief Notice 2020-01 provided extensions for certain deadlines for COBRA, HIPAA and claims filing timeframes, effective March 1, 2020. Under the extension, the affected timelines were "paused" until the earlier of the end of the "Outbreak Period" (60 days after the COVID-19 national emergency was declared over) or one year (February 28, 2021).

Today, EBSA issued Disaster Relief Notice 2021-01 ([linked here](#)) clarifying the timeline extensions granted in the earlier Notice.

Individuals and plans with timeframes that are subject to the relief under the Notices will have the applicable periods under the Notices disregarded until the earlier of:

- (a) 1 year from the date they were first eligible for relief, or
- (b) 60 days after the announced end of the National Emergency (the end of the Outbreak Period).

On the applicable date, the timeframes for individuals and plans with periods that were previously disregarded under the Notices will resume. In no case will a disregarded period exceed 1 year.

*Please be advised that any and all information, comments, analysis, and/or recommendations set forth above relative to the possible impact of COVID-19 on potential insurance coverage or other policy implications are intended solely for informational purposes and should not be relied upon as legal or medical advice. As an insurance broker, we have no authority to make coverage decisions as that ability rests solely with the issuing carrier. Therefore, all claims should be submitted to the carrier for evaluation. The positions expressed herein are opinions only and are not to be construed as any form of guarantee or warranty. Finally, given the extremely dynamic and rapidly evolving COVID-19 situation, comments above do not take into account any applicable pending or future legislation introduced with the intent to override, alter or amend current policy language.*

## WHAT DOES THIS MEAN?

**Example 1:** Participant experienced a qualifying event and received a COBRA election notice on December 1, 2020. Participant now has until January 30, 2022, to elect retroactive COBRA coverage, unless the outbreak period ends earlier.

**Example 2:** New baby on February 28th, 2021 – now has until March 28, 2022, to enroll self and child (and spouse if desired), retroactive to February 28, 2021, unless the outbreak period ends earlier.



The Hays Research and Compliance team will continue to monitor the situation and provide updates as they are received.

## Contact

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