



## Extended Group Health Plan Deadlines Create Risks for Employers

As we previously [reported](#), the Department of Labor and IRS temporarily extended certain deadlines applicable to group health and retirement plans during the COVID-19 national emergency. Those deadline extensions significantly change the administration of both self-funded and fully insured group health plans and, in particular, the time periods for COBRA notices, elections, and premium payments; special enrollment notices; and benefit claims and appeals. Some of the extended deadlines are already causing confusion and increasing compliance risks for employers.

The DOL and IRS [Joint Notice](#) broadly defers important deadlines during the “Outbreak Period,” but it does not indicate whether, and how, those extended deadlines should be communicated to employees. For instance, from March 1, 2020, through the end of the Outbreak Period, there are no deadlines by which a COBRA qualified beneficiary must notify a group health plan of a qualifying event, elect COBRA coverage, or make a COBRA premium payment. Nor are there any deadlines by which a health plan participant must submit a benefit claim or appeal. It is not clear, however, whether plan documents, COBRA notices, and EOBs should be modified to advise employees of their new (but temporary) rights. Failing to do so risks inconsistent administration of claims and, potentially, litigation.

Spencer Fane Employee Benefits lawyers can provide model language that employers can use to supplement existing COBRA notices and EOBs for this purpose. Feel free to contact any member of our practice group to discuss how the extended deadlines may affect your plans.

This blog post was drafted by [Greg Ash](#), an attorney in the Spencer Fane LLP Overland Park, KS office. For more information, visit [www.spencerfane.com](http://www.spencerfane.com).