

BLOG

COBRA Deadlines Continue to Toll Due to the National Emergency Extension

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On February 18, 2022, President Biden officially extended the COVID-19 National Emergency again, which was set to expire on March 1, 2022. As a result of this most recent National Emergency extension, certain COBRA deadlines continue to toll for one year or 60 days from the announced end of the National Emergency, if earlier.

National Emergency declarations generally last for one year unless the President officially announces an earlier termination. The first National Emergency related to COVID-19 was declared on March 1, 2020 and extended again on February 24, 2021.



The following COBRA-related deadlines continue to toll for one year as a result of this most recent National Emergency extension:

1. **COBRA Election Notice** – the standard 14-day deadline (or 44 days if the employer is the plan administrator) for plan administrators to distribute a COBRA election notice to qualified beneficiaries.
2. **COBRA Election** – the standard 60-day deadline for qualified COBRA beneficiaries to elect COBRA coverage.
3. **COBRA Premium Payments** – the standard 45-day (for the initial payment) and 30-day (for subsequent payments) deadlines for qualified COBRA beneficiaries to pay COBRA premiums in a timely manner.
4. **COBRA Qualifying Event** – the standard 60-day deadline in which qualified COBRA beneficiaries must notify the plan of certain qualifying events, such as divorce or legal separation or a dependent child ceasing to be a dependent under the terms of the plan.
5. **COBRA Disability Extension Notices** – the standard 60-day deadline in which qualified COBRA beneficiaries must notify the plan of a disability determination.

The extension of the National Emergency also provides continuing tolling periods of one year for other

health plan-related deadlines, including the HIPAA Special Enrollment period, the benefit claims and appeals period as well as the external claim review period.

IRS Notice [2021-58](#) clarified that the deadline tolling for an individual to elect COBRA coverage and for the individual to make COBRA premium payments generally run concurrently. This Notice also clarified that individuals who delay electing COBRA coverage may not have more than one year of total disregarded time for the COBRA election and initial COBRA premium payment.

Please note that this recent National Emergency extension is different from the public health emergency (PHE) renewal announced by the Health and Human Services Secretary on January 14, 2022. The PHE renewal is in effect through April 15, 2022 and permits plans and insurers to continue relying on the flexibilities instituted by the federal government, such as expanded access to telehealth and telemedicine capabilities and even the most recent rules requiring health plans to cover up to eight OTC COVID tests per member per month. Click [here](#) and [here](#) for prior blog posts detailing the OTC COVID test plan rules.

Risk Strategies is following these developments closely and will provide updates as they become available. Please contact your Risk Strategies account team with any further questions.

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