

EMPLOYEE BENEFITS

Extension of COVID-19 National Emergency

Last month, President Biden formally extended the COVID-19 National Emergency scheduled to end on March 1, 2022. President Biden did not set an end date to the renewed National Emergency, and it will remain in effect until further executive order or congressional action.

For private employers, the renewal of the National Emergency means that various employee benefits-related deadlines, including HIPAA special enrollment requests, claims deadlines and COBRA election deadlines (listed below) continue to be tolled until the **earlier of a) one year; or b) the end of the Outbreak Period (60 days after the end of the National Emergency).**

Below is a summary reminder of the regulations regarding the tolled deadlines.

What does the extension generally mean for employers with employee benefit plans?

Private employers who offer benefits to their workers must allow employees more time to make changes to their health care coverage (due to HIPAA special enrollment events), file claims and appeal adverse determinations (see details below). Former employees and other qualified beneficiaries also have an extended time period to elect COBRA continuation coverage or pay their COBRA premiums.

Who does this apply to?

The temporary extension applies if the employer's plan is subject to the IRC and/or ERISA. This includes church plans (apart from the COBRA extensions, which do not apply to church plans) but does not include governmental plans.

What specific deadlines are affected?

Under [EBSA Disaster Relief Notice 2021-01](#), the plan administrator must disregard the shorter of one year after the date of the triggering event or the expiration of the COVID-19 outbreak period (which ends 60 days after the expiration of the National Emergency). The temporary extension applies to:

HIPAA Special Enrollment:

Employee enrollment requests for HIPAA special enrollment events, which include:

- Adding a new dependent on account of marriage, birth or adoption
- Enrolling in health coverage on account of a loss of eligibility under another group health plan, Medicare or Medicaid
- Gaining new eligibility for a premium subsidy toward employee contributions from Medicaid or a CHIP plan

COBRA:

COBRA notice, election and premium payment deadlines for qualified beneficiaries and COBRA notice deadlines for plan administrators.

Claims, Appeals and Review:

Claims-related deadlines, including claims filing deadlines, appeal of adverse benefit determination deadlines and various external review deadlines.

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For more information on the requirement, see:

[EBSA Disaster Relief Notice 2020-01](#)

[EBSA Disaster Relief Notice 2021-01](#)

[IRS Notice 2021-58](#) (regarding COBRA extensions in particular)

Brown & Brown recent articles on the requirement:

[Updated Guidance COBRA, HIPAA, and Claims Timeframes](#)

[IRS Notice 2021-58 COBRA Election Period and Premium Grace Period Extensions due to COVID-19](#)





How Brown & Brown Can Help

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