The federal government has issued a rule announcing extended deadlines for HIPAA special enrollment rights, COBRA, and timely claims and appeals. The government’s FAQs for employees are here:

<https://www.dol.gov/sites/dolgov/files/EBSA/about-ebsa/our-activities/resource-center/faqs/covid-19.pdf>

Beginning March 1, all deadlines listed below are put on hold until 60 days after the “announced end” of the COVID-19 National Emergency. We do not have an “announced end” date for the emergency, so we don’t know how long this “Outbreak Period” will keep the following deadlines on hold.

* HIPAA special enrollment rights
  + 30 days to notify us and elect coverage due to:
    - Marriage, birth, adoption, or placement of a child with you for adoption
    - You or a dependent losing eligibility for other coverage *(other than for failure to pay premium)*
  + 60 days to notify us and elect coverage due to:
    - You or a dependent losing eligibility for Medicaid or the Children’s Health Insurance Program (CHIP)
    - Newly qualifying for a Medicaid or CHIP premium subsidy
* COBRA
  + 60 days to notify us of a dependent losing eligibility in order to preserve COBRA rights, such as divorce or a child turning age 26
  + 60 days to notify us of a Social Security disability determination to extend your COBRA
  + 60 days to initially elect COBRA
  + 45 days to make your first COBRA premium payment
  + 30-day grace period to make up a missed monthly COBRA premium payment
* Timely filing of claims or appeals
  + Including for disability plans
  + See our summary plan description for details of these deadlines

This effectively means if you experienced a deadline above during the Outbreak Period which began March 1, all days of that deadline since March 1 are paused until the end of the Outbreak Period.

For example, if you had a baby February 15, 2020, you would ordinarily have 30 days to exercise your HIPAA special enrollment rights. The first 14 days occurred prior to March 1, so those days are deducted. You have from now until 16 days after the Outbreak Period ends to elect coverage that begins retroactively to the birth. However, please keep in mind that we cannot issue an ID card or process claims without an election and payment from you, and you will have a lump sum balloon payment to make for your share of premiums going back to the date coverage began.

As another example, if you were offered COBRA as of April 1, 2020, you would ordinarily have 60 days to submit your election. None of the 60 days occurred prior to March 1, so you have from now until 60 days after the Outbreak Period ends to elect coverage that begins retroactively to April 1. However, please keep in mind that we cannot process claims without an election and payment from you, and you will have a lump sum balloon payment to make for your share of premiums going back to April 1. If you only pay April and May premiums by the extended due date, then your COBRA coverage would only be through the end of May with no way to make up the missed premiums for June.

For those who had already elected COBRA, if you didn’t make up a missed COBRA premium payment within a 30-day grace period deadline that fell within the Outbreak Period, you now have a chance to get your COBRA coverage back. The portion of your grace period that preceded March 1 is still deducted, but any days of your grace period since March 1 are paused, so you have from now until those remaining grace period days after the Outbreak Period ends to make up any or all missed COBRA premium payments.

Please contact [HR contact] at [HR phone] or [HR email] if you have questions.