

Updated Guidance

COBRA, HIPAA, and Claims Timeframes

February 26, 2021

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. One (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 one (1) year.

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 was born on February 28th, 2021. Participant now has until March 30, 2022, to enroll self and child (and spouse if desired), retroactive to February 28, 2021, unless the outbreak period ends earlier.



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

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