

COVID-19 Quick Reference Matrix for Extended Employee Benefit Plan Deadlines

On April 28, 2020, the Departments of Labor (DOL) and the Treasury (Departments) issued deadline relief to help employee benefit plans, plan participants and plan service providers impacted by the COVID-19 outbreak. Also, the DOL issued Disaster Relief Notice 2020-01 which provides deadline extensions for notices and disclosure requirements under the Employee Retirement Income Security Act (ERISA). Lastly, IRS Notice 2020-23 provides 5500 filing relief.

This Matrix summarizes the participant deadline extensions affecting special enrollment periods, *Federal* COBRA continuation coverage, claim submission, and appeals of denied claims.

- The period of time from **March 1, 2020, until 60 days after the announced end of the National Emergency**, is called the “***Outbreak Period***”.
- The Outbreak Period cannot exceed one year.
- To the extent there are different end dates for each State, additional guidance is expected.

Type	Current Timeframe	Extended Timeframe	Administration
Special Enrollment for Group Health Plans	Request must be made within 30 days of the occurrence of the relevant event (or 60 days under CHIPRA)	Disregard any days that fall within the Outbreak Period. (March 1 st until the end of the National Emergency+60 days)	For Section 125 Plans, if changes are made within the normal timeframe (30 or 60 days) respectively, premiums can be deducted on a pre-tax basis. If changes are made after 30 or 60 days respectively, premiums should be deducted on an after-tax basis. Applies to all health plans and does not apply to health Flexible Spending Accounts (FSAs) or dental and vision plans.
COBRA Election Notice for Plan Sponsors	Administrator must provide notice within 30 days following receipt of notice from employer, or if the administrator and the employer are the same, the administrator must provide notice to qualified beneficiaries within 44 days of the qualifying event.		If needed, employers have been given an extension to provide notification of the qualifying event. Best practice is to provide notification based on current timeframes. The election notice will be sent to the beneficiaries as soon as administratively possible.
COBRA Election Period for Qualified Beneficiaries	Election must be made within 60 days following receipt of election notice.		Accept all COBRA election forms during the Outbreak Period and employee specific duration of time afterward.
Payment of COBRA Premiums by Qualified Beneficiaries	Premiums must be paid within 45 days after initial COBRA election; later premiums must be paid within 30 days from the first day of the coverage period.		Accept all COBRA payments during the Outbreak Period and employee specific duration of time afterward. Benefits will be suspended until payment is received.



Type	Current Timeframe	Extended Timeframe	Administration
Notification of Qualifying Event or Determination of Disability by Participants	Covered persons need to notify the plan administrator within 60 days of certain qualifying events.	Disregard any days that fall within the Outbreak Period. (March 1st until the end of the National Emergency+60 days)	Accept all notifications during the Outbreak Period and employee specific duration of time afterward.
Filing of Benefit Claims by Participants	Plan document/claims procedures set forth timing. For example, many Health Reimbursement Arrangements (HRAs) and health FSAs have a ninety (90) Run-Out Period. As a result of leap year, a 2019 calendar year plan would have a Run-Out Period ending March 30, 2020.		HRAs, FSAs and self-insured dental and vision plans with a Run-Out Period ending during the Outbreak Period, will have the claims submission period extended by disregarding the Outbreak Period. For example, a 2019 calendar year plan with a 90 day Run-Out Period, will accept claims for an additional 30 days after the Outbreak Period. This does not apply to DCAPs or Commuter Benefits since they are not ERISA plans.
Filing of Appeal of Adverse Benefit Determination by Participants	Plan document/claims procedures set forth timing; cannot exceed 180 days for disability plans and 60 days for retirement and other health plans.		The same 180-day deadline to file an appeal applies to HRAs, health FSAs, and self-insured dental/vision plans. Therefore, the extension of the Outbreak Period also applies. The Outbreak Period extension does not apply to DCAPs or Commuter Plans since they are not ERISA plans. Response time to appeals remains the same.
Request for External Review, and Perfection of	Timing depends on whether the plan uses the Federal or State external review process; cannot exceed 4 months from receipt of		Applies to health FSAs and HRAs.



Deadline Extension for ERISA Notices and Disclosures - DOL Disaster Relief Notice 2020-01

During the COVID-19 outbreak, Plan Sponsors have been given additional deadline relief for the distribution of benefit statements and other notices and disclosures required under ERISA.

An employee benefit plan will **not be in violation** of ERISA for a failure to timely furnish a notice, disclosure, or document that must be furnished **during the Outbreak Period, if the plan acts in good faith**. This means the plan must provide the notice, disclosure, or document as soon as administratively practicable under the circumstances. **Good faith acts include use of electronic alternative means of communicating with plan participants and beneficiaries who the plan sponsor believes have effective access to electronic means of communication, including email, text messages, and continuous access websites.**

Examples of key notices and disclosures:

- Summary Plan Description (SPD)
- Summary of Material Modifications (SMM)
- Summary of Benefits and Coverage (SBC)
- Notice of Patient Protections
- Disclosure of Grandfathered Status
- Wellness Program Disclosure (HIPAA)
- Employer CHIP Notice
- Newborns' and Mothers' Health Act Notice
- Women's Health and Cancer Rights Act Notices

5500 Relief – IRS Notice 2020-23

IRS Notice 2020-23 extends the Form 5500 filing deadline for ERISA-covered welfare plans that have an original or extended filing deadline **on or after April 1, 2020, and before July 15, 2020**. These plans have until **July 15, 2020** to file their Forms 5500.

