

DOL Outbreak Period Relief for Employee Benefit Plan Participants Scheduled to End Soon

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As described in our client advisory of [May 6, 2020](#), the Department of Labor (the “DOL”) temporarily suspended the deadlines for employee benefit plan participants to exercise HIPAA special enrollment rights, elect and pay premiums for COBRA continuation coverage, file claims for benefits and appeal benefit claim denials. This relief began on March 1, 2020 and, unless further extended by the DOL, will end on February 28, 2021 (the “Outbreak Period”).

If the Outbreak Period is not extended, then, effective March 1, 2021, the clock will begin ticking on deadlines that were suspended during the Outbreak Period. For example, if a participant became eligible for COBRA continuation coverage on February 1, 2020, the 60-day period for electing such coverage, which in any other year would have ended on March 31, 2020, will now end on March 31, 2021 (i.e., the last day of the 60-day period which began on February 1, 2020 and includes (i) 29 days before the start of the Outbreak Period and (ii) 31 days after the end of the Outbreak Period).

As of now, the DOL has not indicated that it intends to extend the Outbreak Period. Assuming the Outbreak Period is not extended, plan administrators should notify plan participants of the expiration of the Outbreak Period and how it will affect their rights and obligations under applicable plans. In addition, plan administrators should confirm that future participant communications, including COBRA notices, are revised as necessary to eliminate references to the Outbreak Period.

If you have any questions about the expiration of the Outbreak Period, or if you would like assistance in preparing or revising participant communications, please contact a member of our Employee Benefits Group.