

# Time for Employers to Update COBRA Notices

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The Department of Labor (“DOL”) recently issued revised model COBRA notices containing additional information regarding the availability of non-COBRA coverage options. The DOL has also recently issued guidance that temporarily extends certain COBRA administrative deadlines in response to the COVID-19 outbreak. We briefly discuss each of these new developments below, including what actions employers should take with respect to their COBRA notices.

## **New Model Notices**

For purposes of complying with COBRA notice requirements, employers should update their COBRA notices to reflect the changes made to the DOL’s model COBRA notices.

COBRA requires employers to provide employees and their families with notices explaining their COBRA rights. Employers that use the DOL’s model COBRA notices are deemed to be in good faith compliance with COBRA notice content requirements. The DOL’s revised model COBRA notices include a new discussion about the advantages of enrolling in Medicare prior to or in lieu of COBRA continuation coverage. Given the recent uptick in COBRA notice-related litigation, employers should update their COBRA notices to reflect the DOL’s revised model COBRA notices, including their discussion of Medicare coverage.

## **Extended Administrative Deadlines**

Employers should include a supplemental disclosure with their COBRA notices explaining how temporary changes in certain COBRA administrative deadlines impact COBRA rights.

As detailed in our [May, 2020 Advisory](#), the DOL has issued guidance temporarily extending certain administrative deadlines for ERISA covered retirement, health and welfare plans based on the duration of the federally declared national emergency for the COVID-19 outbreak. Such administrative deadline extensions include the timeframes provided to qualified beneficiaries for electing and paying for COBRA continuation coverage. Employers should, therefore, include a supplemental disclosure with their COBRA notices explaining how these temporary changes impact the way qualified beneficiaries may exercise their COBRA rights.

If you have any questions regarding COBRA notice requirements and administration, or if we can assist you in putting together the new notices or the supplemental disclosure regarding COVID-19-related administrative changes, please contact a member of our Employee Benefits Group.