

LEGAL UPDATE

DOL Issues Updated Model COBRA Notices and New FAQs

The U.S. Department of Labor (DOL) has issued [new model notices](#) for group health plan administrators to use to comply with COBRA notification requirements, the agency [announced](#) on May 1, 2020.

Although plan administrators are not required to use the updated model notices, the DOL generally considers their use—with the addition of appropriate plan information—to be good faith compliance with COBRA’s content requirements for:

- ✓ The general notice of coverage continuation rights, which must be provided to each employee and spouse within 90 days of coverage; and
- ✓ The notice of a qualified beneficiary’s right to elect continued coverage, which must be provided within 14 days after receiving notice of a qualifying event.

Updates and FAQs Address Medicare-COBRA Interactions

As explained in a set of answers to frequently asked questions ([FAQs](#)) the DOL also issued on May 1, 2020, the updated model notices aim to help qualified beneficiaries better understand the interactions between Medicare and COBRA.

Specifically, the updated models indicate that there may be advantages to enrolling in Medicare before, or instead of, electing COBRA. They also highlight that if an individual is eligible for both COBRA and Medicare, electing COBRA coverage may impact enrollment into Medicare and certain out-of-pocket costs.

Additional details about Medicare and COBRA enrollment options are also included in both the FAQs and updated model notices.

Important Links

Updated General Notice

The updated COBRA general notice model is available in [English](#) and [Spanish](#).

Updated Election Notice

The updated COBRA election notice model is available in [English](#) and [Spanish](#).

FAQs

The DOL’s [FAQs](#) about the updated models explain various options for COBRA and Medicare enrollment.

Use of the updated models is considered good-faith compliance with COBRA’s content requirements for the general notice and election notice.

Provided to you by [The Sterling Group, Inc](#)

This Legal Update is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. Readers should contact legal counsel for legal advice. ©2020 Zywave, Inc. All rights reserved.

