

Have You Notified Participants of Extended Deadlines?

June 26, 2020

As noted in our prior post [here](#), the U.S. Departments of Labor and Treasury recently issued a notice requiring all employee health and welfare benefit plans to disregard the period from March 1, 2020 until 60 days after the announced end of the COVID-19 National Emergency (or other announced date) when determining the deadline to request HIPAA special enrollment, elect COBRA coverage, make a COBRA premium payment, notify the plan of a COBRA qualifying event or determination of a disability, file a benefit claim or appeal, or request an external review of a benefit claim denial. Although the notice did not address whether plan participants needed to be notified of these extended deadlines, plan administrators should be aware that they likely have a fiduciary duty to accurately convey this information to participants. For example, a COBRA election notice that states a deadline to elect or make premium payments without mentioning the extended deadline would be incorrect, as would a claim denial notice that includes a deadline to appeal without noting the extension. We recommend that employers contact their service providers to ensure that participants are being properly informed of these deadline extensions and update participants' communications accordingly.