

IRS Provides Further Clarification Regarding COBRA Deadline Extensions

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Last year, the DOL and IRS issued joint guidance providing that certain plan related deadlines, including the 60-day deadline to elect COBRA continuation coverage and the 45-day deadline to make COBRA premium payments, would be suspended during the "COVID-19 outbreak period" (i.e., the time period from March 1, 2020 until 60 days after the end of the national emergency or other date announced by the government) for up to one year. The DOL released other guidance earlier this year clarifying that the one-year deadline suspension is applied on an individual basis (see our prior blog post on that guidance [here](#)). Recently, the IRS issued Notice 2021-58 (the "**Notice**"), which clarifies that the extended timeframes for an individual to (i) elect COBRA continuation coverage, and (ii) make initial and subsequent COBRA premium payments, generally run concurrently. The Notice provides that if an individual elects COBRA coverage after the 60-day election period (due to the one-year deadline suspension), that individual will have the one year suspension period plus an additional 105 days (i.e., the sum of (i) 60 days for an initial COBRA election, and (ii) 45 days to make an initial COBRA premium payment) after the date the COBRA notice was provided to the individual to make the initial COBRA premium payment. However, if an individual elects COBRA within the initial 60-day COBRA election period, that individual will have up to one year and 45 days after the date of the individual's COBRA election to make the initial COBRA premium payment. The Notice also includes some transition relief and a series of examples regarding the extension of the COBRA deadlines.

The Notice is available [here](#).