

# *S<sup>D</sup> Associates LLC*

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## **Extension of Certain Timeframes due to the COVID-19 Emergency**

On May 4, 2020, it was announced by the US Department of Labor and the US Department of the Treasury that, due to the national emergency arising from the COVID-19 pandemic outbreak, a Final Rule has been issued under which certain timeframes required under ERISA and the IRS have been extended. These extensions have been put in place to assist health plans in complying with ERISA and IRS requirements, and also to help plan participants in exercising their health plan rights. The Emergency Outbreak Period begins retroactively on March 1, 2020 and will close 60 days after the National Emergency is declared to be ended. (As of this writing, that closure date has not been determined.) Under this final rule, the Emergency Outbreak Period shall be disregarded with regard to these timeframes, and the timeframes for the following group health plan conditions will not begin to run until after the outbreak period has ended.

For example:

<b>If the National Emergency ends on...</b>	<b>...then the 60 day extension will end on</b>
June 30, 2020	August 30, 2020
October 15, 2020	December 15, 2020
	<i>... at which point the normal compliance timeframe starts running.</i>

The actual date the compliance timeframe resumes will depend on the date the National Emergency is declared to be over by the Federal Government.

The timeframes for the following plan conditions are extended by this Final Rule, and the time included in the Emergency Outbreak Period must be disregarded when calculating the due dates:

- HIPAA Special Enrollment Periods ("COBRA Qualifying Events")
- COBRA Election periods
- The date for making COBRA premium payments
- The date for qualified beneficiaries to notify the COBRA administrator of a qualifying event or a determination of disability
- The date for filing a benefits claim
- The date for filing an appeal of an adverse benefit determination
- The date for requesting an external review of an adverse benefit determination
- The date for filing a corrected request for external review, in the event the initial request was incomplete.