



# SLEVIN & HART, P.C.

## Benefits Update

### **Extension of COVID-19 National Emergency Affects Benefit Plan Deadlines**

March 18, 2022

On February 18, 2022, President Biden again extended the COVID-19 National Emergency declaration for one year, which has the effect of extending various deadlines for health and retirement plans. The original National Emergency declaration took effect on March 1, 2020. The National Emergency declaration lasts for one year unless either terminated earlier or extended by the President. President Biden previously extended the National Emergency declaration in February 2021.

As we explained [in a previous Update](#), in April 2020, the Department of Labor and Internal Revenue Service issued guidance temporarily extending various deadlines applicable to plans and to participants until 60 days after the expiration of the National Emergency. Subsequent guidance clarified that deadlines were tolled until the earlier of (a) one year from the date an individual was first eligible for relief or (b) 60 days after the end of the National Emergency. The most recent extension of the National Emergency declaration continues this approach through March 1, 2023, unless the President ends the emergency declaration earlier.

For example, in the absence of the National Emergency declaration, a participant entitled to elect COBRA continuation coverage would be required to do so within 60 days of receipt of the COBRA election notice. For any participants whose election deadline falls during the National Emergency (meaning on or after March 1, 2020), the participant would have to elect coverage within one year and 60 days from receipt of the notice, or within 60 days of the end of the National Emergency, if sooner.

The plan deadlines affected by this extension include the following:

#### Health Plans:

- 30-day period (or 60-day period in certain circumstances) to request enrollment in the Plan due to a HIPAA special enrollment event;
- 60-day period to elect COBRA continuation coverage;
- 30-day grace period to pay COBRA premiums;
- 45-day period to pay the first COBRA premium after electing COBRA;
- Deadline to file a benefit claim under the plan's claims procedure;
- Deadline to file an appeal of a claim denial under the plan's appeal procedure;
- Deadline to request an external review of a certain denied appeals and the date by which information must be received to perfect a request for external review.

Retirement Plans:

- Deadline to file a benefit claim under the plan's claims procedure;
- Deadline to file an appeal of a claim denial under the plan's appeal procedure.

Please contact Slevin & Hart for more information about how this issue affects your plan.

**Attorneys**



Richard S. Siegel



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