



Updates required for COBRA notices for employers

May 15, 2014

On May 2, 2014, the Department of Labor released a proposed rule on Health Care Continuation Coverage, which amends regulations on required notices of the Consolidated Omnibus Budget Reconciliation Act, known as COBRA.

The proposed rule is intended to better align the COBRA notice requirements with the Affordable Care Act provisions already in effect. More specifically, the revised notice will advise covered employees and individuals who are qualified beneficiaries for COBRA, that instead of COBRA, they can select coverage from a federally facilitated or state-based Health Insurance Marketplace.

General notice

Under COBRA, group health plans must give each employee — and each spouse of an employee who becomes covered under the plan — a general notice describing COBRA rights. The general notice must be provided within the first 90 days of coverage.

Election notice

In addition to the general notice, group health plans must provide an election notice at the time of certain qualifying events. The notice describes the employee's rights to continuation coverage and how to make an election. This notice must be provided within 14 days of the date on which the plan administrator receives the notice of a qualifying event.

Use of the model notices is not required. Employers may use something “substantially similar.”

Special enrollment period

The Centers of Medicaid and Medicare Services provided a series of [bulletins](#) outlining a 60-day special enrollment period for persons eligible for COBRA. Individuals have to call the Health Insurance Marketplace call center to receive information about this special enrollment period.

More information can be found at:

- [Proposed rule](#)
- [Frequently asked questions](#)
- [Revised COBRA model general and election notices](#)

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