



LEGAL UPDATE

Outbreak Period Expiration Approaching, No New Guidance

Last year, federal agencies issued relief postponing various employee benefit plan deadlines during a defined “Outbreak Period” to help plans, participants and service providers impacted by the COVID-19 pandemic.

The Outbreak Period began on March 1, 2020, and lasts until 60 days after the announced end of the National Emergency, but by law, it cannot exceed one year. **This means that the deadline relief expires on Feb. 28, 2021, in the absence of further guidance.** At this time, no additional guidance has been issued.

Existing Deadline Extensions

The relief, in the form of a [final rule](#), extends deadlines affecting COBRA continuation coverage, special enrollment periods, claims for benefits, appeals of denied claims and external review of certain claims. While the extension is not mandatory for non-federal governmental plans, agencies have encouraged sponsors of these plans to provide similar relief to their participants and beneficiaries.

In addition, a separate [Disaster Relief Notice](#) includes deadline extensions for notices and disclosures required under the Employee Retirement Income Security Act (ERISA).

Action Items

Given the lack of agency guidance, employers and plan sponsors should begin preparing for the deadline extension relief to expire on Feb. 28, 2021. Until then, employers and plan sponsors can continue to make good faith efforts to provide participant disclosures as soon as administratively practicable.

National Emergency End Date

- The Outbreak Period is based on the end date of the National Emergency, as declared by the president. **An end date to the National Emergency for this purpose has not been announced.**
- This is separate from the public health emergency declared by the Dept. of Health and Human Services, which automatically expires after 90 days unless an extension is issued. The most recent extension lasts through April 20, 2021.

This deadline relief expires on Feb. 28, 2021, in the absence of further guidance from federal agencies.

Provided to you by [Insure NW](#)



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