

LEGAL UPDATE

COVID-19 National Emergency Extended, Deadline Relief Continues

On Feb. 18, 2022, President Biden announced an [extension](#) of the National Emergency concerning COVID-19, stating that it must **continue in effect beyond March 1, 2022**. This extension impacts deadline relief related to the following employee benefit plan deadlines:

- **HIPAA time frames**—The 30-day period (or 60-day period, if applicable) to request special enrollment.
- **COBRA time frames**—The 60-day period to elect COBRA coverage; the date for making COBRA premium payments (generally at least 45 days after the day of the initial COBRA election, with a grace period of at least 30 days for subsequent premium payments); and the date for individuals to notify the plan of a qualifying event or disability determination (generally 60 days from the date of the event, loss of coverage or disability determination).
- **Claims procedures time frames**—The date within which individuals may file a benefit claim under the plan’s claims procedure, and the date within which claimants may file an appeal of an adverse benefit determination under the plan’s claims procedure.
- **External review process time frames**—The date within which claimants may file a request for an external review after receipt of an adverse benefit determination or final internal adverse benefit determination, and the date within which a claimant may file information to perfect a request for external review upon a finding that the request was not complete.

Under the relief, **these deadlines can be disregarded until the earlier of** one year from the date individuals were first eligible for relief or 60 days after the announced end of the National Emergency (also referred to as the end of the “Outbreak Period”).

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Public Health Emergency

- The extension of the National Emergency is **separate** from the U.S. Department of Health and Human Services (HHS) [public health emergency](#), which was most recently renewed Jan. 16, 2022 and continues for 90 days.
- The public health emergency impacts HHS and its operations and does not affect employee benefit plan deadlines directly.

This extension impacts the tolling of deadlines related to HIPAA special enrollment, COBRA continuation coverage and other plan deadlines.