

Compliance Alert

# New COBRA Model Notices

Issue Date: May 4, 2020

Last Friday, the Department of Labor (DOL) issued new COBRA model notices and corresponding frequently asked questions (FAQs) to better guide individuals who may be choosing between Medicare and COBRA continuation coverage. The General Notice and the Election Notice were previously updated to provide individuals with more information about coverage options and tax subsidies that are available through the public Exchange/Marketplace. Now they have been updated to also provide more information about Medicare, including details about late enrollment penalties for failing to enroll in Medicare when first eligible; they also clarify primary and secondary payer status between Medicare and COBRA continuation coverage.

The new model notices, as well as the DOL’s news release and FAQs (all released May 1, 2020), can be found here – <https://www.dol.gov/agencies/ebsa/laws-and-regulations/laws/cobra>.

Employers should start using these notices immediately. As before, the model notices should be tailored to match the employer’s COBRA continuation offerings.

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