



Federal Government Extends COVID-19 National Emergency

March 01, 2022

On February 18, 2022, President Biden announced that the National Emergency Declaration that began on March 1, 2020 is extended to March 1, 2023. A National Emergency Declaration lasts for one year, unless extended. If the President had not extended the national emergency, then it would have expired on March 1, 2022.

This extension impacts COVID-19 extension relief for certain COBRA and HIPAA deadlines. The Departments of Labor and the Treasury extended certain timeframes for group health plans, disability and other welfare plans, and pension plans in May of 2020.

This relief requires all group health plans, disability and other employee welfare benefit plans, and employee pension plans subject to ERISA or the Code to disregard an "outbreak period" when calculating certain deadlines. The outbreak period began on March 1, 2020, and ends on the first anniversary of the date that relief is sought or 60 days after the end of the national emergency, whichever is earlier. The deadlines affected by this relief include:

- The 30-day (or 60-day, if applicable) deadline to request a special enrollment under HIPAA.
- The 60-day COBRA election period.
- The 30-day (or 60-day, if applicable) deadline to notify the plan of a COBRA qualifying event (and the 60-day deadline for individuals to notify the plan of a determination of a disability).
- The 14-day deadline for plan administrators to furnish COBRA election notices.
- The 45-day deadline for participants to make a first COBRA premium payment and 30-day deadline for subsequent COBRA premium payments.
- Deadlines for individuals to file claims for benefits, for initial disposition of claims, and for providing claimants a reasonable opportunity to appeal adverse benefit determinations under ERISA plans and non-grandfathered group health plans.
- Deadlines for providing a state or federal external review process following exhaustion of the plan's internal appeals procedures for non-grandfathered group health plans.

This relief was covered in the March 2, 2021, [edition](#) of *Compliance Corner*.

Although it is possible that the President will end the national emergency early, for now, the outbreak period will likely last until the first anniversary of the date relief was first sought or March 1, 2023, whichever is earlier.

Plan administrators should be aware of this extension.

[Notice on the Continuation of the National Emergency Concerning the Coronavirus Disease 2019 \(COVID-19\) Pandemic »](#)

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