



CONSTANGY

BROOKS & SMITH, LLP

The Employers' Law Firm, Since 1946

March 23, 2010

Department of Labor Issues Revised Model COBRA Notices

The Department of Labor (DOL) has issued revised model COBRA notices due to the most recent changes affecting the COBRA subsidy originally enacted by the American Recovery and Reinvestment Act of 2009 (ARRA). The Temporary Extension Act of 2010 (TEA) extended the period during which an individual could qualify for the subsidy through March 31, 2010. Additionally, TEA, unlike ARRA, allows individuals whose first qualifying event was a reduction in hours but were later terminated during the period from March 2, 2010 through March 31, 2010 to qualify for the subsidy.

The DOL has posted the new notices on their website (www.dol.gov/cobra). The notices are detailed on the chart below.

Notice	Who Should Receive This Notice?
Updated Model General Notice	All qualified beneficiaries who experience a qualifying event at any time from September 1, 2008 through March 31, 2010, regardless of the type of qualifying event, and who have not yet been provided an election notice.
Model Notice of New Election Period	All individuals who experience a qualifying event that was a reduction in hours at any time from September 1, 2008 – March 31, 2010; subsequently experience a termination of employment at any point from March 2, 2010 through March 31, 2010; and either did not elect continuation coverage when it was first offered or elected but subsequently discontinued coverage.
Model Supplemental Information Notice	All individuals who elected and maintained continuation coverage based on the following qualifying events – terminations of employment that occurred at some point on or after March 1, 2010 for which notice of availability of the premium reduction available under ARRA was not given; or reductions of hours that occurred during the period from September 1, 2008 through March 31, 2010 which were followed by a termination of the employee's employment that occurred on or after March 2, 2010 and by March 31, 2010.
Model Notice of Extended Election Period	Individuals who experienced a qualifying event that was a termination of employment at some time on or after March 1, 2010; were provided notice that did not inform them of their rights under ARRA, as amended by TEA; and either chose not to elect COBRA continuation coverage at that time or elected COBRA but subsequently discontinued that coverage.
Model Updated Alternative Notice (for plans that provide continuation coverage pursuant to state law)	All qualified beneficiaries who have experienced a qualifying event through March 31, 2010.

Alabama

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California

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Florida

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Georgia

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Illinois

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Massachusetts

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Missouri

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North Carolina

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South Carolina

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Tennessee

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Texas

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Virginia

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Wisconsin



The notices will need to be modified to fit your individuals plans. If you need assistance in modifying the notices or would like your notices reviewed, please contact Dana Thrasher (205-226-5464), Dave Pearson (813-222-1367), Bob Ellerbrock (205-226-5462), or Jay Turner (205-226-5468).

Alabama

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California

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Georgia

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Illinois

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Massachusetts

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Missouri

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North Carolina

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South Carolina

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Tennessee

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Wisconsin

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