

March 22, 2023

THE LATEST NEWS IN HEALTHCARE COMPLIANCE



Prescribed Reading

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Projected Termination of the COVID-19 Public Health Emergency

The Executive Office of The President released a memorandum on January 30th titled, Statement of Administration Policy. President Biden's administration is extending the COVID-19 National Emergency and the Public Health Emergency (PHE) for another 60 days, to May 11, and intends to end both emergency declarations on that date.

COVID Treatments.

After May 11th, for dates of service falling outside the PHE, employer sponsored health insurance plans can resume applying deductibles and co-pays to certain COVID-19 preventive measures such as diagnostic testing, consistent with normal plan benefits, which otherwise were required to be covered without cost sharing during the PHE. However, it is important to remember that the CARES Act and the Affordable Care Act will still require plans to cover the COVID-19 vaccine and its administration from in-network providers at no cost going forward, as a preventive service. If you would like to change the coverage of COVID testing in your plan to normal plan benefits, please contact **Cathy Dickson** at Cathy.Dickson@90DegreeBenefits.com prior to July 10, 2023. Otherwise, your plan will continue to cover COVID testing with no cost share.

Reverting back to Pre-COVID timelines.

During the pandemic, the National Emergency affected the calculation of ERISA deadlines below.

- 30-day timeframe for a participant to elect HIPAA special enrollment;
- 60-day timeframe for a participant to elect CHIPRA special enrollment;
- 60-day timeframe for a participant to elect COBRA continuation coverage;
- Timeframe for a participant to timely pay COBRA premiums;
- Timeframe for a participant to notify plan of a qualifying event or disability determination;
- Timeframe for a participant to file claims, appeals, and requests for external review; and
- Timeframe for the plan to provide a COBRA election notice.

All these deadlines were tolled during the Outbreak Period, which was defined as March 1, 2020 until sixty (60) days after the announced end of the National Emergency, subject to a maximum tolling period of one year per individual deadline. On July 10th, the expected end of the Outbreak Period, the time periods will resume running for the deadlines listed above. Further, it is important to note that claims that received "tolling" status, might run into stop-loss issues.

If you have any questions or concerns, please do not hesitate to contact Cathy Dickson at Cathy.Dickson@90DegreeBenefits.com.