

COMPLIANCE OVERVIEW

Provided by Clarke & Company Benefits, LLC

COBRA General Notice Checklist

The Consolidated Omnibus Budget Reconciliation Act (COBRA) imposes a variety of notice requirements on group health plans sponsored by covered employers (20 or more employees). One of the most important COBRA notices is the General Notice that plan administrators are required to give to participants when they become covered under a group health plan in order to explain the participants' rights under COBRA.

The COBRA General Notice explains what COBRA continuation coverage is, when it may become available and what participants must do to protect their right to obtain it. It also explains that participants may have other options available to them if they lose coverage under the plan. The Department of Labor's (DOL's) COBRA regulations require the General Notice to meet specific content requirements.

This Compliance Overview contains a checklist that outlines the information that the COBRA General Notice is required to include. It also addresses the deadlines for providing the COBRA General Notice.

LINKS AND RESOURCES

DOL resources:

- [Final rule](#) on Health Care Continuation Coverage
- COBRA [Model General Notice](#)
- Employee Benefits Security Administration (EBSA) COBRA Continuation Coverage [website](#)

HIGHLIGHTS

DELIVERY DEADLINES

- To employees and spouses: Within **90 days** after initial coverage begins
- To dependents who are added to the plan after an employee's initial enrollment: Within **90 days** of the effective date of the new dependents' coverage.

CONTENT REQUIREMENTS

- Information about the plan and COBRA continuation coverage, including types of qualifying events, notice obligations and maximum coverage periods.
- Single-employer plans may use the DOL's Model General Notice.

This Compliance Overview is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. Readers should contact legal counsel for legal advice.



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GENERAL NOTICE DELIVERY DEADLINE

The General Notice must be provided within **90 days** after initial plan coverage begins. The General Notice must also be sent to any new dependents added to the plan after the employee's initial enrollment. In this case, the General Notice must be provided within **90 days** of the effective date of the new dependent's coverage.

GENERAL NOTICE CONTENT REQUIREMENTS

The COBRA General Notice must be written in a manner **calculated to be understood by the average plan participant** and contain the following information:

- Name of the plan
- Name, address and telephone number of the party responsible for administering COBRA
- General description of coverage
- Classes of individuals that can be qualified beneficiaries (QBs)
- Explanation of the types of qualifying events
- Obligation of the employer to notify the plan administrator of certain qualifying events
- Maximum coverage periods, including ability to qualify for extensions
- The plan's requirements for payment of COBRA premiums
- An explanation of a QB's responsibility to notify the employer of certain qualifying events (divorce, legal separation, loss of dependent status, disability determination by the Social Security Administration (SSA))
- An explanation of a QB's continuing obligation to notify the employer of any change in address or eligibility (becoming enrolled in Medicare, death of a covered employee, divorce, legal separation, disability determination by the SSA)
- A statement that the notice does not fully describe all COBRA rights and that further information can be received from the employer or plan administrator

MODEL GENERAL NOTICE

The DOL maintains a [COBRA Model General Notice](#) that can be used by single-employer group health plans to meet their notice obligations. Employers are not required to use the DOL's Model Notice. However, use of the Model Notice, appropriately completed, will be considered by the DOL to be good faith compliance with COBRA's coverage requirements for the General Notice.