

Preparing for the End of the COVID-19 Emergency Periods for Health Plans

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President Biden recently announced his intention to end the COVID-19 National Emergency and Public Health Emergency effective May 11, 2023. As we previously discussed here, those emergency declarations had significant impacts on health plans, and their expiration will do the same.

The National Health Emergency tolled a number of deadlines, including those related to HIPAA Special Enrollment, COBRA notices, COBRA elections, COBRA premium payments, and benefit claims and appeals. With respect to many employees, this tolling period will end on July 10, 2023 (60 days from the end of the National Emergency).

Under the Families First Coronavirus Response Act (FFCRA) and the Coronavirus Aid, Relief, and Economic Security (CARES) Act, during the Public Health Emergency, employer-sponsored group health plans were required to cover COVID-19 testing, vaccines, and related services with no cost sharing to the covered individuals. It is likely that the end of the Public Health Emergency will mean the end of this requirement. As a result, employer-sponsored group health plans may shift some of the cost of these services to participants. Employers sponsoring self-insured or fully insured group health plans should work with their advisors to determine the extent to which they will shift these costs to employees and when, and make those decisions prior to May 11, 2023, so that they can ensure that the desired changes are permissible, and any required notification is provided in a timely manner.

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Practice Areas

Affordable Care Act, HIPAA
and COBRA Compliance

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It is important that Plan sponsors are aware of these changes and have the necessary decisions made and procedures in place prior to May 11, 2023, to ensure compliance with the various laws, as well as with any contracts with insurance carriers. If you have any questions regarding these upcoming changes, please contact any member of our Employee Benefits team of professionals.