

WHAT YOU NEED TO KNOW



State Guide to COBRA Supplemental Requirements

The Consolidated Omnibus Budget Reconciliation Act (COBRA) is a federal requirement of group health plans to provide COBRA continuation coverage to participants who lose coverage due to a qualifying event, when the employer had 20 or more full time employees. Over the years, many states enacted additional requirements similar to COBRA, either for small employers, or in addition to the federal COBRA requirements. UBA has created this chart to outline each state's specific continuation laws.

| State | Mini-COBRA for Small Employers | Additional COBRA for Large Employers |
|-------------------|--|--|
| Alabama | None | None |
| Alaska | None | None |
| Arizona | None | None |
| Arkansas | <ul style="list-style-type: none"> • 2-19 employees on company's plan • Insured under the policy for at least 3 months prior to the date of termination • Continuation of coverage limited to 120 days • Continuation of coverage must be requested within 10 days after termination of employment or membership or change in marital status See AR Code § 23-86-114 (2015) | None |
| California | <ul style="list-style-type: none"> • 2-19 employees on company's plan • Continuation of coverage up to 36 months • Employee or qualified beneficiary must notify the health plan or the employer within 60 days of a qualifying event • Employer must notify employees benefits are available within 30 days of a qualifying event See CA Ins Code § 10128.50-10128.59 (2015) Leg Sess | <ul style="list-style-type: none"> • 20 or more employees on company's plan • Continuation of coverage up to 18 months |

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| State | Mini-COBRA for Small Employers | Additional COBRA for Large Employers |
|--------------------|---|---|
| Colorado | See C.R.S. 10-16-108 (2015) for all group health plans | <ul style="list-style-type: none"> Any size group policy where COBRA does not apply Continuation of coverage for up to 18 months Individuals must have 6 months of continuous coverage under group policy to be eligible and have 30 days from termination to accept coverage Written notice must be postmarked within 10 days of termination See C.R.S. 10-16-108 (2015) |
| Connecticut | <ul style="list-style-type: none"> Fewer than 20 employees on company's plan Continuation of coverage limited to 30-36 months depending on the qualifying event See State of Connecticut Insurance Department Bulletin HC-77 | <ul style="list-style-type: none"> More than 20 employees on company's plan Connecticut Continuation Coverage for up to 30-36 months depending on the qualifying event See State of Connecticut Insurance Department Bulletin HC-77 |
| Delaware | <ul style="list-style-type: none"> 1-19 employees on company's plan Insured under the policy for at least 3 months prior to the date of termination Continuation of coverage limited to 9 months Notice provided by an employer to the plan administrator, the covered employee and the insurer within 30 days of the qualifying event See 18 Del.C. § 3571F | None |
| Florida | <ul style="list-style-type: none"> 2-19 employees on company's plan Continuation of coverage limited to 18 months If individual is disabled at the time of the qualifying event, then he or she may continue coverage for up to 29 months Employee must notify the insurer within 30 days of losing group eligibility that he or she is eligible to continue coverage See FL Stat § 627.6692 (2016) | None |
| Georgia | <ul style="list-style-type: none"> 2-19 employees on company's plan Insured under the policy for at least 6 months prior to the date of termination Continuation of coverage limited to 3 months See GA Code § 33-24-21.1 (2015) | None |

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| State | Mini-COBRA for Small Employers | Additional COBRA for Large Employers |
|-----------------|--|---|
| Hawaii | None | If an employee is hospitalized or otherwise prevented by sickness from working, the employer shall enable the employee to continue the employee's coverage for up to 3 months following the month during which the employee became hospitalized or disabled from working. See HI Rev Stat § 393-15 (2015) |
| Idaho | None | In the case of a policy providing hospital, medical or surgical coverage for a disabled person, coverage extending not less than 12 months beyond the date the policy terminates is considered to be reasonable. See ID Code § 41-2213 (2015) |
| Illinois | See IL 215 ILCS 5/367e for all group health plans | <ul style="list-style-type: none"> • All employers offering fully insured group and accident health plans, regardless of the group's size (more than 2 employees) • Insured under the policy for at least 3 months prior to the date of termination • Continuation of coverage limited to 12 months See IL 215 ILCS 5/367e |
| Indiana | None | None |
| Iowa | <ul style="list-style-type: none"> • 2-19 employees on company's plan • Insured under the policy for at least 3 months prior to the date of termination • Continuation of coverage limited to 9 months See Iowa Code Chapter 509B | None |
| Kansas | See KS Stat § 40-2209 (2015) for all group sizes | <ul style="list-style-type: none"> • All group sizes • Insured under the policy for at least 3 months prior to the date of termination • Continuation of coverage limited to 18 months See KS Stat § 40-2209 (2015) |

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|------------------|--|---|
| Kentucky | <ul style="list-style-type: none"> • Fewer than 20 employees on company's plan • Insured under the policy for at least 3 months prior to the date of termination • Continuation of coverage limited to 18 months • Employees must notify the insurer and pay the full group premium rate within 31 days after receiving notice of their right to continue coverage See KY Rev Stat § 18.18-110 (2015) | None |
| Louisiana | <ul style="list-style-type: none"> • 2-19 employees on company's plan • Insured under the policy for at least 3 months prior to the date of termination • Continuation of coverage limited to 12 months See LA Rev Stat § 22:1046 (2015) | None |
| Maine | <ul style="list-style-type: none"> • 2-19 employees on company's plan • Insured under the policy for at least 3 months prior to the date of termination • Continuation of coverage limited to 12 months • Insurers are permitted to require up to 6 months of employment prior to the layoff and to require the employee to elect coverage within 31 days of the layoff • Continuation rights are only available if you are temporarily laid off or lost employment because of an injury or disease that would be covered under workers' compensation • Domestic partners who are covered as a dependent under a small group health plan are entitled to mini-COBRA continuation coverage in the same manner as any other dependent See 24-A ME Rev Stat § 2809-A (2015) | None |
| Maryland | See MD Ins Code § 15-409 (2015) for all group sizes | <ul style="list-style-type: none"> • All group sizes • Insured under the policy for at least 3 months prior to the date of termination • Continuation of coverage limited to 18 months See MD Ins Code § 15-409 (2015) |

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|----------------------|--|--------------------------------------|
| Massachusetts | <ul style="list-style-type: none"> • 2-19 employees on company's plan • Continuation coverage offered under a small group health plan must be made available to employees, spouses, and dependent children if they were covered on the day before a qualifying event • Continuation of coverage will continue for 18 months in the event of the termination of employment or a reduction of hours • If a qualified beneficiary experiences a second qualifying event (except for an employer's bankruptcy) within 18 months of the termination of employment or reduction in hours, then the continuation coverage for such beneficiary must continue for 36 months from the date of the termination of employment or reduction in hours • In the event of any other qualifying event, the continuation coverage must continue for 36 months from the date of the qualifying event <p>See MA Gen L ch 176J § 9 (2015)</p> | None |
| Michigan | <ul style="list-style-type: none"> • No specific regulation, but employees have the option to convert to an individual policy or purchase individual health insurance. <p>See Michigan Department of Insurance and Financial Services</p> <ul style="list-style-type: none"> • Fewer than 20 employees on company's plan • If employee does not qualify for federal COBRA continuation coverage, the employee may either convert to an individual policy with the same insurer that provided group health insurance coverage or purchase individual health insurance coverage from healthcare.gov or in the private marketplace | None |

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| Minnesota | <ul style="list-style-type: none"> • 2-49 employees on company's plan • Insured under the policy for at least 3 months prior to the date of termination • Continuation of coverage limited to 18 months See MN Stat § 62A.17 (2015) <ul style="list-style-type: none"> • Coverage triggered for a spouse and dependent children when the covered employee becomes covered by Medicare lasts for 36 months See MN Stat § 62A.20 (2015) | None |
| Mississippi | <ul style="list-style-type: none"> • 2-19 employees on company's plan • Insured under the policy for at least 3 months prior to the date of termination • Continuation of coverage limited to 12 months See MS Code § 83-9-51 (2013) | None |
| Missouri | <ul style="list-style-type: none"> • 2-19 employees on company's plan • Insured under the policy for at least 3 months prior to the date of termination • Continuation of coverage limited to 18 months • Eligibility for Missouri continuation coverage is the same as eligibility for coverage under federal COBRA See MO Rev Stat § 376.428 (2015) | None |
| Montana | None | <ul style="list-style-type: none"> • Continuation of coverage for 12 months, with the consent of the employer or the trustees, to employees and dependents when the covered person's regular work schedule is reduced to less than the minimum time required to qualify for coverage • Coverage must be offered to dependents of a covered employee in the event of the death of the covered person See MT Code § 33-22-507 (2015) |
| Nebraska | <ul style="list-style-type: none"> • 2-19 employees on company's plan • Insured under the policy for at least 3 months prior to the date of termination • Continuation of coverage limited to 6 months See NE Code § 44-1640 (2015) | None |
| Nevada | None. Regulations repealed in 2013. | None |

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|----------------------|---|---|
| New Hampshire | See NH Rev Stat § 415:18 (2015) for all group sizes | <ul style="list-style-type: none"> • All employer group sizes • Continuation coverage generally lasts for 18 months • Coverage is extended to 29 months where an individual is determined to be disabled under Social Security Act within 60 days from the date of ineligibility under the group plan • Whenever the entire group is terminated, coverage shall continue for 39 weeks • Except for legally separated, divorced or surviving spouses 55 years or older, coverage may be extended to 36 months where participation terminates due to the death of the covered employee, divorce or legal separation of the covered employee, substantial loss of coverage by retirees and dependents within one year of the employer filing for bankruptcy, or a dependent child's ceasing to be a dependent See NH Rev Stat § 415:18 (2015) |
| New Jersey | <ul style="list-style-type: none"> • 2-50 employees on company's plan, unless subject to federal COBRA, which generally covers group health plans for employers with 20 or more employees • Insured under the policy for at least 3 months prior to the date of termination • 18 months for employees who have been terminated "other than for cause" or whose hours have been reduced to fewer than 25 per week • 36 months for a spouse or dependent child in the event of a divorce or the employee's death, or when a dependent child ceases to be a dependent under the terms of the group health plan • 29 months if determined to be disabled under the Social Security Act • Employees have 30 days from a qualifying event to elect continuation coverage to the employer in writing See NJ Rev Stat § 17B:27A-27 (2015) | None |

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|-----------------------|---|--|
| New Mexico | See NM Stat § 59A-18-16 (2015) for all group sizes | <ul style="list-style-type: none"> All group health plans Continuation coverage generally lasts for 6 months after the termination of employment See NM Stat § 59A-18-16 (2015) |
| New York | <ul style="list-style-type: none"> Fewer than 20 employees Coverage generally lasts for 36 months after group coverage terminates See NY Ins L § 3221 (2015) | <ul style="list-style-type: none"> Employers with 20 or more employees Employees or members who have exhausted federal COBRA rights may continue coverage for up to 36 months from the date the continuation coverage began See NY Ins L § 3221 (2015) |
| North Carolina | <ul style="list-style-type: none"> 2-19 employees on company's plan Continuation of coverage for a minimum of 18 months Insured under the policy for at least 3 months prior to the date of termination See NC Gen Stat § 58-53-35 (2015) | None |
| North Dakota | <ul style="list-style-type: none"> 2-19 employees on company's plan Insured under the policy for at least 3 months prior to the date of termination Continuation of coverage limited to 39 weeks See ND Century Code 26.1-36-23 | None |
| Ohio | <ul style="list-style-type: none"> 2-19 employees on company's plan Insured under the policy for at least 3 months prior to the date of termination Continuation of coverage for 12 months Continuation must be elected in writing and accompanied by the first premium payment—both given to the employer See Ohio Rev Code § 3923.38 (2015) | None |

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| Oklahoma | <ul style="list-style-type: none"> • 2-19 employees on company's plan • Continuation of coverage under the group policy or contract for a period of at least 63 days after such termination • The carrier shall notify the terminated employee of the availability of this continuation of coverage option in writing within 30 days of receiving notice from the plan sponsor of the employee's termination of coverage • If an employee has been covered for at least 6 months under the policy, then the continuation period of not less than 3 months in the case of basic coverage or 6 months in the case of major medical coverage <p>See 36 OK Stat § 36-4509 (2015)</p> | None |
| Oregon | <ul style="list-style-type: none"> • Fewer than 20 employees • Insured under the policy for at least 3 months prior to the date of termination • Continuation of coverage for 9 months <p>See OR Rev Stat § 743B.347 (2015)</p> | <ul style="list-style-type: none"> • Employers with 20 or more employees maintaining group health plans must provide continuation coverage for surviving or divorced spouses aged 55 or older • No set period is provided for coverage for divorced or surviving spouses aged 55 or older <p>See OR Rev Stat § 743B.343 (2015)</p> |
| Pennsylvania | <ul style="list-style-type: none"> • 2-19 employees on company's plan • Continuation of coverage for 9 months • Insured under the policy for at least 3 months prior to the date of termination • Continuation of coverage must be requested within 30 days after termination of employment or membership or change in marital status • The health care continuation law does not apply to employers who sponsor group policies for a specific disease or accidental injury only <p>See PA Act 2 of 2009</p> | None |
| Rhode Island | See Rhode Island Mini COBRA §27-19.1-1 for all group sizes | <ul style="list-style-type: none"> • Continuation of coverage for up to 18 months (for all group sizes) from the termination date of the insured member • The health care continuation law does not apply to an employee who is employed in the construction industry or to an employer if its employees are participants in and the employer is a contributor to a multiemployer welfare plan |

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|-----------------------|---|--------------------------------------|
| South Carolina | <ul style="list-style-type: none"> • 2-19 employees on company's plan • Continuation coverage will last for the fractional policy month remaining at termination plus 6 additional policy months • Insured under the policy for at least 6 months prior to the date of termination • The health care continuation law does not apply to any policy which provides benefits for other than hospital, surgical, major medical, or which provides benefits for specific diseases or accidental injuries only <p>See SC Code § 38-71-770 (2015)</p> | None |
| South Dakota | <ul style="list-style-type: none"> • 2-19 employees on company's plan • Insured under the policy for at least 6 months prior to the date of termination • Continuation of coverage for 18 months • If a qualified beneficiary was disabled at any time during the first 60 days of continuation coverage, coverage can be continued for 29 months <p>See SD Codified L § 58-18-7.5 (2015)</p> <p>A qualified beneficiary may continue coverage for a total of 36 months under the following conditions:</p> <ul style="list-style-type: none"> • If at the death of the employee or member, the qualified beneficiary's coverage under the group policy terminates by reason of such death • If a qualified beneficiary ceases to be a qualified family member under the group policy, while the employee or member remains insured under the policy • Any Medicare ineligible qualified beneficiary of a current employee • The qualified beneficiary of an employee who is eligible for Medicare • Divorce or legal separation of employee <p>See SD Codified L § 58-18-7.12 (2015).</p> | None |

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|------------------|---|---|
| Tennessee | See TN Code § 56-7-2312 (2015) for all group sizes | <ul style="list-style-type: none"> • All group sizes • Insured under policy for at least 3 months before termination • Continuation of coverage for the fractional policy month remaining at termination, plus 3 additional policy months • Individuals who are terminated from group coverage because of divorce or death of insured spouse shall be entitled to have the coverage continued under the group policy for the fractional policy month remaining at termination plus up to 15 additional policy months See TN Code § 56-7-2312 (2015) |
| Texas | See TX Insurance Code Title 8, Subtitle B, Chapter 1251 for all group sizes | <ul style="list-style-type: none"> • Insured under policy for at least 3 months before termination • The maximum continuation period required by law, for any employee or dependent not eligible for continuation coverage under federal COBRA is 9 months after the date the employee or dependent elects to continue the group coverage • Any employee or dependent eligible for continuation coverage under COBRA, 6 additional months following any period of continuation coverage provided under COBRA See TX Insurance Code Title 8, Subtitle B, Chapter 1251 |
| Utah | See UT Code § 31A-22-722 (2015) for all group sizes | <ul style="list-style-type: none"> • All group sizes • Continuation of coverage for 12 months • Must elect to extend group coverage within 60 days of its termination See UT Code § 31A-22-722 (2015) |
| Vermont | See 8 V.S.A. § 4090c for all group sizes | Continuation of coverage for 18 months See 8 V.S.A. § 4090c |

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| State | Mini-COBRA for Small Employers | Additional COBRA for Large Employers |
|----------------------|---|--|
| Virginia | <ul style="list-style-type: none"> • 20 or fewer employees on company's plan • Insured under the policy for at least 3 months prior to the date of termination • Continuation of coverage for 12 months or conversion coverage • Employers must notify employees within 14 days of loss of group health plan eligibility due to a qualifying event • Employees have a maximum of 60 days after loss of eligibility to apply for continuation coverage See VA Code § 38.2-3541 (2015) | None |
| Washington | None | <ul style="list-style-type: none"> • None • State law does not mandate continuation coverage for group policies, but insurers must give employers the option for a continuation provision |
| West Virginia | See WV Code § 33-16-3 (2015) for all group health plans | All members in groups or classes eligible for insurance provided through an employee's group plan shall be permitted to pay the premiums at the same group rate and receive the same coverages for a period not to exceed 18 months when they are involuntarily laid off from work See WV Code § 33-16-3 (2015) |
| Wisconsin | See WI Stat § 632.897 (2015) for all group health plans | <ul style="list-style-type: none"> • Insured under the policy for at least 3 months prior to the date of termination • If the terminated insured elects to continue group coverage as provided in this section, the insurer may require conversion to individual coverage by the terminated insured and his or her spouse and dependents 18 months after the terminated insured elects the group coverage See WI Stat § 632.897 (2015) |
| Wyoming | See WY Stat § 26-19-113. (2015) for all group health plans | <ul style="list-style-type: none"> • Insured under the policy for at least 3 months prior to the date of termination • Continuation of coverage for 12 months See WY Stat § 26-19-113. (2015) |

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