



## What every HR leader should know about compliance



### The Centers for Medicare and Medicaid Services Bulletin on Extension of Timeframes Due to COVID-19

On March 13, 2020, President Trump issued the Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak and by separate letter made a determination, under Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, that a national emergency exists nationwide beginning March 1, 2020, as the result of the COVID-19 outbreak.

The Department of Labor (DOL) and the Department of the Treasury (Treasury) issued a [final rule](#) that extends certain timeframes under the Employee Retirement Income Security Act (ERISA) and Internal Revenue Code (IRC) for group health plans, disability, and other welfare plans, pension plans, and participants and beneficiaries of these plans during the COVID-19 national emergency. See our [Advisor](#) on the final rule. The DOL also issued [Notice 2020-01](#) (Notice) that applies to employee benefit plans, employers, labor organizations, and other plan sponsors, plan fiduciaries, participants, beneficiaries, and covered service providers. The Notice supplements the extended timeframes final rule issued by the DOL and the Treasury. See our [Advisor](#) on the Notice.

Following the release of the final rule and Notice, the Centers for Medicare and Medicaid Services (CMS) issued a [bulletin](#) providing that between March 1, 2020, and the end of the outbreak period, CMS will adopt a temporary policy of relaxed enforcement to extend similar timeframes otherwise applicable to non-federal governmental group health plans and health insurance issuers offering group health plans, and their participants and beneficiaries under the group market requirements imposed by Title XXVII of the Public Health Service Act. Under the temporary policy, CMS also will not consider a Small Business Health Options Program (SHOP), a SHOP issuer offering a qualified health plan (QHP) through a SHOP, or small business participating in a SHOP to be out of compliance with rules applicable to the SHOP, to the extent the SHOP, issuer, or small business operates in a manner consistent with the relief provided under the temporary policy. If there are different outbreak period end dates for different



parts of the country, the temporary relief will apply in a manner consistent with any additional guidance announced by the DOL or the Treasury.

CMS provides that the extension of timeframes is not mandatory for non-federal governmental plans, however, CMS encourages plan sponsors of non-federal governmental plans to provide relief to participants and beneficiaries similar to that specified in the final rule, and encourages, but does not require, states, SHOPs, and health insurance issuers offering coverage in connection with a group health plan to enforce timeframes consistent with the relief provided in the final rule and Notice.

5/15/2020

---

This information is general and is provided for educational purposes only. It is not intended to provide legal advice.  
You should not act on this information without consulting legal counsel or other knowledgeable advisors.