

Justification for No material/Nonsubstantive Change Request

The Department is hereby submitting updated model COBRA notices as a no-material/nonsubstantive change request to OMB Control 1210-0123. On April 15, 2010, 2010, President Obama signed the Continuing Extension Act of 2010 (CEA), which extended, for a third time, the availability of the health care continuation coverage premium reduction provided for COBRA and other health care continuation coverage as required by ARRA (Pub. L. 111-5).

CEA amends the COBRA premium reductions provisions that originally were enacted by the American Recovery and Reinvestment Act of 2009 (ARRA) by extending the eligibility period for the 65% COBRA subsidy to qualifying events occurring during the period that begins with September 1, 2008 and ends with May 31, 2010. Before the extension, the eligibility period expired on March 31, 2010.

CEA retains the ARRA requirement for the Secretary of Labor to develop model notices reflecting the CEA amendments to the COBRA premium reduction provision, in consultation with the Secretaries of the Treasury and Health and Human Services. These models are for use by group health plans and other entities that, pursuant to ARRA, as amended, must provide notices of the availability of premium reductions and additional election periods for health care continuation coverage.

The Department has revised its General Notice, Alternative Notice, Notice of New Election Period, Supplemental Information Notice, and Notice of Extended Election Period to reflect the extension of the premium reduction to involuntary terminations occurring through May 31, 2010.

OMB approved the ARRA COBRA notices on November 6, 2009, (ICR Reference Number 200908-1210-002) and the revised notices reflecting the Department of Defense Appropriations Act of 2010 amendments to the ARRA COBRA provisions on January 12, 2010, (ICR Reference Number 200912-1210-002) and the Tax Extenders Act amendments to the COBRA provisions on March 16, 2010 (ICR Reference Number 201002-1210-003).