

Justification for No Material or Nonsubstantive Change to Currently-Approved Collection

AGENCY: Employee Benefits Security Administration (EBSA)

TITLE: Model COBRA Continuation Coverage General Notice Instructions

STATUS: OMB control number 1210-0123; expires January 31, 2023

The Department is submitting a no material/non-substantive change request for the Model Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) Continuation Coverage General Notice Instructions (OMB Control Number 1210-0123, which currently is scheduled to expire on January 31, 2023). As further discussed below, the Department is not making any program changes to the forms and instructions at this time but is simply adding a new question and answer on the form regarding Medicare and COBRA interactions.

Under COBRA, group health plans must provide covered employees and their families with certain notices explaining their COBRA rights. A group health plan must provide each covered employee and spouse (if any) with a written notice of COBRA rights “at the time of commencement of coverage” under the plan (general notice). A group health plan must also provide qualified beneficiaries with a notice which describes their rights to COBRA continuation coverage and how to make an election (election notice).

The Department of Labor has developed a model COBRA continuation coverage general notice that plans may use to provide the general notice. To use this model general notice properly, the Plan Administrator must fill in the blanks with the appropriate plan information. The Department considers use of the model general notice, to be good faith compliance with the general notice content requirements of COBRA. The use of the model notices isn’t required. The model notices are provided to help facilitate compliance with the applicable notice requirements.

DOL is now issuing an updated version of the model general notice and the model election notice, to ensure that qualified beneficiaries better understand the interactions of Medicare and COBRA. The Department has created a new frequently asked question on the topic of enrolling in Medicare when COBRA ends. This questions has been prepared by the Department, and like previously issued questions and answers it is designed to help individuals understand the law and benefit from it, as intended.

The public reporting burden for this collection of information is estimated to average approximately four minutes per respondent and this change is non-material and will not affect the hour or cost burden associated with the annual information collection.