

LEGAL UPDATE



COVID-19 National Emergency Ends Sooner Than Previously Announced

On April 10, 2023, President Biden signed a [resolution](#) ending the COVID-19 national emergency that had been in place since 2020. The Biden administration had previously [announced](#) a May 11, 2023, end date to both the national emergency and the public health emergency (PHE), **but the signing of the bipartisan legislation terminates the national emergency as of April 10, 2023.** The PHE is still scheduled to end May 11, 2023.

Impacted Deadlines

Various employee benefit plan deadlines had been extended by disregarding an “outbreak period” from March 1, 2020, until 60 days after the announced end of the national emergency. Since the national emergency ended on April 10, 2023, **the outbreak period will end on June 9, 2023. Once the outbreak period ends, health plans can return to their nonextended deadlines.** Key deadlines extended during the outbreak period include:

- **HIPAA time frames**—The 30-day period (or 60-day period, if applicable), to request special enrollment.
- **COBRA time frames**—The period for qualified beneficiaries to elect COBRA coverage and make COBRA premium payments, as well as the date for individuals to notify the plan of a qualifying event or disability determination.
- **Claims procedure time frames**—The date to file a benefit claim or an appeal of an adverse benefit determination under the plan’s claims procedure.
- **External review process time frames**—The date claimants may request an external review following an adverse or final internal adverse benefit determination.

Compliance Resources

The Biden administration has stated it will continue working with federal agencies to wind down the national emergency. Prior [guidance](#) issued on March 29, 2023, addresses how certain health plan requirements related to the COVID-19 pandemic will change when the emergency periods end. While this guidance was issued before the resolution ended the national emergency, the clarifications regarding changes to benefits after the end of the emergency periods and the reinstatement of normal deadlines still apply.

According to federal agencies, if changes are made to a plan or coverage after the end of the PHE or national emergency, plan sponsors and employers must **clearly communicate these changes, including any limitations on benefits, to participants and beneficiaries before they take effect.** Additional resources on the ending of the COVID-19 emergency periods are available on the Department of Labor’s Response to COVID-19 [website](#).

Public Health Emergency Still in Effect

The U.S. Department of Health and Human Services initially declared a PHE due to COVID-19 on Jan. 31, 2020. The PHE is still scheduled to end on **May 11, 2023.**

When the PHE ends, health plans will no longer be required to cover COVID-19 diagnostic tests and related services without cost sharing. Health plans will still be required to cover recommended preventive services, including COVID-19 immunizations, without cost sharing, but this coverage requirement will be limited to in-network providers.