

# PUBLICATION

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## End of COVID-19 National Emergency: Impact on Employee Benefit Plans

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**On Monday, April 10, 2023, President Biden signed legislation ending the COVID-19 National Emergency immediately. This legislation ends the National Emergency one month earlier than the May 11 date previously announced by the White House and federal regulators.**

What impact does this have on employer-sponsored benefit plans? None.

The legislation changed only the expiration date of the **National Emergency**; it did not change the scheduled end date, May 11, 2023, of the **Public Health Emergency** on which the tolling of various employee-benefit related deadlines was based. Therefore, the employee-benefit related mandates will still end as previously scheduled.

To review, the declaration of the Public Health Emergency instructed benefit plans and participants to disregard certain deadlines during the "Outbreak Period." The Outbreak Period began on March 1, 2020, and ends 60 days after the announced end of the Public Health Emergency. The following deadlines were tolled during the Outbreak Period:

1. 30-day timeframe for a participant to elect HIPAA special enrollment
2. 60-day timeframe for a participant to elect CHIPRA special enrollment
3. 60-day timeframe for a participant to elect COBRA continuation coverage
4. Timeframe for a participant or Qualified Beneficiary to notify a plan of a qualifying event or disability determination
5. Timeframe for the plan to provide a COBRA election notice
6. Timeframe for a participant to timely pay COBRA premiums
7. Timeframe for a participant to file claims, appeals, and requests for external review

It is important to note that the tolling of these time limits was capped at a period of one year. Thus, the normal 60-day timeframe for an eligible qualified beneficiary to elect COBRA continuation coverage was extended during the Outbreak Period to one year plus 60 days.

With the declared end of the Public Health Emergency on May 11, 2023, the 60-day clock to end the Outbreak Period will start. This means effective July 10, 2023 (60 days after the end of the Public Health Emergency) all pre-pandemic rules impacting the above items (and others) will go back to their normal timeframes.

While no specific notice regarding the end of the Outbreak Period is required, plan sponsors and administrators should consider whether and how to communicate with participants about the end of the tolling period. Any election forms or other communications referencing the tolling period should also be updated to reflect its expiration.

For any questions or assistance with this or any other employee-benefits related matters, please contact [Andrea Bailey Powers](#) or your Baker Donelson attorney.

