

# LOCAL 888 HEALTH AND PENSION FUNDS

MAX BRUNY  
CHAIRMAN OF THE BOARD

ROSALBA PÉREZ  
FUND DIRECTOR

---

## INFORMATION REGARDING EXTENSION OF DEADLINES DUE TO COVID-19

---

### IMPORTANT ANNOUNCEMENT ABOUT YOUR HEALTH BENEFITS

---

#### I. End of Extension of Deadlines due to COVID-19

Effective March 1, 2020, in response to the COVID-19 pandemic, the Department of Labor extended the deadlines for:

- The 30-day period (60-day period in certain circumstances) to request enrollment in the Plan due to a HIPAA special enrollment event);
- The 60-day period to elect COBRA continuation coverage;
- The 30-day grace period to pay COBRA premiums;
- The 45-day period to pay the first COBRA premium after electing COBRA; and
- The date for participants to notify the Plan of a COBRA qualifying event, such as a birth or adoption of a child, marriage, or determination of disability for the purposes of the COBRA disability extension.

This extension, called the “Outbreak Period”, began on March 1, 2020 and was scheduled to end 60 days after the end of the COVID-19 National Emergency declaration by the federal government. **Though the COVID-19 National Emergency was declared over on April 10, 2023, the Board of Trustees has decided to extend the Outbreak Period beyond 60 days through July 10, 2023.**

In a prior notice we explained that the tolling period on your deadline to take any of the above actions would end on the earlier of: (1) one year from the date of the initial deadline for the action above, absent the extension; or (2) when the Outbreak Period ends (i.e. on July 10, 2023).

However, the prior notice further advised that the tolling period regarding the following deadlines would end when the Outbreak Period ends:

- The date participants may file a benefit claim or appeal the denial of a benefit claim; and
- The deadline to request an external review of certain denied appeals and the date by which information must be received to perfect a request for external review.

**This is to advise you that the above deadlines will begin to run again when the Outbreak Period ends on July 10, 2023.**

The following examples explain how the ending of the Outbreak Period will affect these deadlines:

Examples: Appeal Deadline

- **Example A:** Your claim for a medical procedure was denied September 1, 2022. Typically, you would have 180 days under the Plan document to file your appeal of that denial. Therefore, your appeal would have been due by February 27, 2023. However, due to the Outbreak Period, the Plan's 180-day deadline to file an appeal will now start to run on July 10, 2023. You will therefore have until January 6, 2024 (i.e., 180 days from July 10, 2023) to file your appeal. If your appeal is not filed by this deadline, the Fund's decision on your claim is final.
- **Example B:** Your claim for a medical procedure was denied on February 14, 2020, the deadline for you to file an appeal under the Plan would have been August 12, 2020 (180 days from February 14, 2020). However, due to the Outbreak Period, the Plan deadline was "tolled" or stopped as of March 1, 2020 and you now have 165 days from the end of the Outbreak Period to file an appeal (15 days passed between February 14, 2020 and March 1, 2020 and 165 days remain as of March 1, 2020). You will therefore have until December 22, 2023 (i.e., 165 days from July 10, 2023) to file your appeal. If your appeal is not filed by this deadline, the Fund's decision on your claim is final.

Example: COBRA Election

You terminated covered employment and your health coverage ended on September 1, 2022. Typically, you would have had until October 30, 2022 to elect to continue your coverage under COBRA (i.e., 60 days after your coverage terminated).

Due to the Outbreak Period, you now have until September 8, 2023 (i.e., 60 days from July 10, 2023) to elect to continue your coverage under COBRA. Therefore, if you want to elect COBRA coverage, you must return your COBRA election form by September 8, 2023.

Example: COBRA Premium Payments

You elected COBRA coverage on September 15, 2022 retroactive to August 1, 2022. You timely paid your COBRA premiums for August, September and October 2022 but have not made any payments for November 2022 to June 2023. Typically, premiums were due on the 1<sup>st</sup> of the month and you had 30 days to pay, so your eligibility for COBRA coverage would have ended on November 30, 2022 if your premium payment for November 2022 was not received by that date.

Due to the Outbreak Period, your ability to pay for COBRA coverage for November 2022 through June 2023 will end on August 9, 2023 (i.e., 30 days from July 10, 2023). If you make your premium payment by August 9, 2023, the Fund will reinstate your coverage and pay any claims incurred between November 1, 2022 through June 30, 2023. If you do not make these payments by August 9, 2023, your eligibility for COBRA coverage will terminate.

**Remember, the Fund will not pay any claims until you have elected COBRA and paid all of your retroactive COBRA premiums back to your initial date of termination.**

21220802v1