



Courtesy of Meridian Benefits Consulting

Q

What are the plan administrator's responsibilities when fulfilling COBRA notification requirements for the general (or initial) notice and the election notice?

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The plan administrator must provide both the general (or initial) notice and the election notice to qualified beneficiaries.

The general (or initial) notice must be provided within 90 days after initial plan coverage begins. It must be sent to any new dependents that are added to the plan after the employee's initial enrollment. When a covered individual experiences a qualifying event within 90 days of becoming covered under the plan, an election notice should be provided to him or her, but the general notice does not need to be provided.

The plan administrator may deliver a single notice addressed to a covered employee and his or her spouse at their joint residence, provided the plan's most recent information indicates that both reside at the given address. However, the plan administrator is not required to provide the general notice to dependent children covered under the plan that live with the covered employee. Hand-delivery of the general notice to the employee at the workplace is deemed to be adequate delivery to the employee, but does not constitute delivery to the spouse.

The plan can meet its obligation to provide the general notice by incorporating it into the summary plan description, provided the summary plan description contains all of the information required to be included within the general notice, and it is delivered in a manner that complies with the delivery rules applicable to COBRA notices. Please note that the rules governing the electronic delivery of COBRA notices are more stringent than those applicable to summary plan descriptions.

The election notice must be provided within 14 days of receipt of the notice of a qualifying event. In situations where the employer is also the plan administrator and the qualifying event is one for which the employer is required to notify the plan administrator, the employer must provide the qualified beneficiary with an election notice within 44 days of the date of the qualifying event (or the date on which the qualified beneficiary loses coverage as a result of the qualifying event, if the employer uses the extended notice rule).