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Subject: Administration announces proposal to clarify availability of Health Insurance Marketplace coverage to workers eligible for COBRA

HHS Intergovernmental and External Affairs Notification

May 2, 2014

From: Paul Dioguardi
Director, Office of Intergovernmental and External Affairs
U.S. Department of Health and Human Services

RE: Administration announces proposal to clarify availability of Health Insurance Marketplace coverage to workers eligible for COBRA

The Obama administration today announced updates to model notices informing workers of their eligibility to continue health-care coverage through the [Consolidated Omnibus Budget Reconciliation Act](#). The updates make it clear to workers that if they are eligible for COBRA continuation coverage when leaving a job, they may choose to instead purchase coverage through the [Health Insurance Marketplace](#).

Workers and their families who are eligible for employer-sponsored coverage generally must be informed of their right to COBRA continuation coverage at the start of employment. They must also be informed of their right to purchase COBRA coverage when separating from a job. The proposed changes to the model notices would offer information on more affordable options available through the Marketplace, where workers and families may be eligible for financial assistance that would not otherwise be available for COBRA continuation coverage. In most cases, workers and their families eligible for, but not enrolled in, COBRA continuation coverage would be able to enroll in Marketplace coverage outside of the normal open enrollment period.

The Departments of Labor, Health and Human Services, and Treasury are also publishing frequently asked questions related to the proposed changes to model notices. The FAQs are posted on the Department of Labor website [here](#) and the HHS website [here](#). In addition, HHS is publishing a clarifying bulletin regarding a special enrollment period in the Marketplace for individuals already enrolled in COBRA continuation coverage. The bulletin is posted on the HHS website [here](#).

The updated model notices are posted on the Department of Labor website [here](#) and [here](#). A related notice of proposed rulemaking on the COBRA notice requirements will be published in the May 7 edition of the Federal Register. The notice of proposed rulemaking can also be viewed [here](#).

SEP Bulletin:

CCIIO posted a bulletin on Special Enrollment Periods (SEPs) and Hardship Exemptions for Persons Meeting Certain Criteria. This bulletin provides guidance on three types of SEPs in the FFM, including for those individuals currently enrolled in COBRA continuation coverage, as well as two types of hardship exemptions. The SEP Bulletin is available [here](#).

Tri-Agency FAQ:

The Departments of Labor, Health and Human Services, and Treasury are released another set of FAQs

regarding implementation of various provisions of the Affordable Care. Topics include Summary of Benefits and Coverage, COBRA notices, out of pocket maximums, tobacco cessation, and excepted benefits, among others. The Tri-Agency FAQs are available [here](#).