



Legal Alert: Appeals of Cobra Premium Assistance Denials to be Handled by New Services Provided by the Centers for Medicare and Medicaid Services

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For expedited reviews of COBRA premium assistance denials, former federal and state workers can now use a new website and hotline launched by the Centers for Medicare and Medicaid Services ("CMS"). The American Recovery and Reinvestment Act of 2009 ("ARRA") provided for, among other things, an expedited review of the denial of benefits when an individual's former group health plan denies eligibility for COBRA premium assistance. Under the ARRA, the CMS processes all requests for review that are filed by federal government employees, employees of state and local governments, and individuals covered by state continuation coverage laws that apply to employers with fewer than 20 employees (also known as "mini-COBRA" programs). Last week, CMS launched a website, <http://www.ContinuationCoverage.net>, and a toll free hotline, 1-866-400-6689, that unemployed workers in these categories can use to request an expedited review of their former employer's denial of eligibility for COBRA premium assistance.

CMS has contracted with MAXIMUS Federal Services, Inc. to review requests for expedited reviews of denials of benefits, make recommendations about whether individuals are indeed eligible for COBRA premium assistance, and to answer questions about the COBRA premium assistance and the expedited review process. CMS will then review MAXIMUS's recommendations.

We previously distributed a Legal Alert discussing the procedures all unemployed workers should use to request a review of their case if they are initially denied COBRA premium assistance under the ARRA. You can access this Legal Alert via the following link:
<http://www.fordharrison.com/shownews.aspx?show=5000>.

The Bottom Line:

Employees of federal, state, and local governments and employees subject to mini-COBRA programs now have additional resources by which they can request an expedited appeal if they are initially denied COBRA premium assistance. It is likely that the Department of Labor and Department of Health and Human Services will at least consider developing similar resources for all other private sector employees.

Should you have any questions, please contact the author of this Legal Alert, Lindsay O'Brien, lobrien@fordharrison.com, 904-357-2005, or any attorney in Ford & Harrison's Employee Benefits Practice Group.