

Model COBRA Continuation Coverage Additional Election Notice (For use by group health plans for qualified beneficiaries who are or would be an Assistance Eligible Individual but are not enrolled in COBRA coverage (including those who never elected AND those who elected but subsequently discontinued coverage) with qualifying events that occurred during the period from September 1, 2008 through February 16, 2009.)

[*Enter date of notice*]

Dear: [Identify the qualified beneficiary(ies), by name or status]

This notice contains important information about additional rights to continue your health care coverage in the [enter name of group health plan] (the Plan). Please read the information contained in this notice very carefully.

The American Recovery and Reinvestment Act of 2009 (ARRA) reduces the COBRA premium in some cases. You are receiving this notice because you experienced a loss of coverage at some time from September 1, 2008 through February 16, 2009 and either chose not to elect COBRA continuation coverage at that time OR elected COBRA but subsequently discontinued that coverage. If your loss of health coverage was due to an involuntary termination of employment you may be eligible for a second COBRA election opportunity and the temporary premium reduction for up to nine months. To help determine whether you can get the ARRA premium reduction, you should read this notice and the attached documents carefully. In particular, reference the "Summary of the COBRA Premium Reduction Provisions under ARRA" with details regarding eligibility, restrictions, and obligations and the "Application for Treatment as an Assistance Eligible Individual." If you believe you meet the criteria for the premium reduction, complete the "Application for Treatment as an Assistance Eligible Individual" and return it with your completed Election Form.

To elect COBRA continuation coverage, follow the instructions on the following pages to complete the enclosed Election Form and submit it to us

Each person ("qualified beneficiary") in the category(ies) checked below is entitled to elect COBRA continuation coverage, which generally will continue group health care coverage under the Plan for up to 18 months after an involuntary termination of employment. [Check appropriate box or boxes; names may be added]:

☐ Employee or former employee
☐ Spouse or former spouse
☐ Dependent child(ren) covered under the Plan on the day before the involuntary
termination of employment (and any new dependents born, adopted, or placed for
adoption between the date coverage was lost and February 17, 2009).

If elected, COBRA continuation coverage will begin retroactively on [enter the date of the first day of the first coverage period beginning on or after February 17, 2009] and can last until [enter the date that is 18 months after the qualifying event]. [Add, if appropriate: You may elect any of the following options for COBRA continuation coverage: [list available coverage options].

[If the plan permits Assistance Eligible Individuals to elect to enroll in coverage that is different than coverage in which the individual was enrolled at the time the qualifying event occurred, insert: "To change the coverage option(s) for your COBRA continuation coverage to something different than what

you had on the last day of employment, complete the "Form for Switching COBRA Continuation Coverage Benefit Options" and return it to us. Available coverage options are: [insert list of available coverage options]." The different coverage must cost the same or less than the coverage the individual had at the time of the qualifying event; be offered to active employees; and cannot be limited to only dental coverage, vision coverage, counseling coverage, a flexible spending arrangement (FSA), including a health reimbursement arrangement that qualifies as an FSA, or an on-site medical clinic.]

COBRA continuation coverage will cost: [enter amount each qualified beneficiary will be required to pay for each option per month of coverage and any other permitted coverage periods.] If you qualify as an "Assistance Eligible Individual" this cost can be reduced to [include the amount that is 35 percent of the amount above for each option] for up to nine months. You do not have to send any payment with the Election Form. Important additional information about payment for COBRA continuation coverage is included in the pages following the Election Form.

If you have any questions about this notice or your rights to COBRA continuation coverage, you should contact [enter name of party responsible for COBRA administration for the Plan, with telephone number and address].

COBRA Continuation Coverage Election Form

Instructions: Under the American Recovery and Reinvestment Act you are only entitled to elect COBRA continuation coverage at this time if you lost group health plan coverage due to an involuntary termination of employment during the period that begins with September 1, 2008 and ends with December 31, 2009. To elect COBRA continuation coverage, complete this Election Form and return it to us. Under federal law, you have 60 days after the date of this notice to decide whether you want to elect COBRA continuation coverage under the Plan.

Send completed Election Form to: [Enter Name and Address]

This Election Form must be completed and returned by mail [or describe other means of submission and due date]. If mailed, it must be post-marked no later than [enter date].

If you do not submit a completed Election Form by the due date shown above, you will lose your right to elect COBRA continuation coverage. If you reject COBRA continuation coverage before the due date, you may change your mind as long as you furnish a completed Election Form before the due date. However, if you change your mind after first rejecting COBRA continuation coverage, your COBRA continuation coverage will begin on the date you furnish the completed Election Form.

I (We) elect COBRA continuation coverage in the [enter name of plan] (the Plan) as indicated below:

N	Name	Date of Birth	Relationship	to Employee	SSN (or other identifier)
a					
	[Add	if appropriate: Cove	erage option(s): _]
b					
	[Add	if appropriate: Cove	erage option(s): _]
c					
]
Signa	ature			Date	
Print	Name			Relationship t	to individual(s) listed above
Print	Address			Telephone nu	mber

[Only use this model form if the plan permits Assistance Eligible Individuals to elect to enroll in coverage that is different than coverage in which the individual was enrolled at the time the qualifying event occurred.]

Form for Switching COBRA Continuation Coverage Benefit Options

different than	n what you had on the I law, you have 90 da	e last day of employment, comple	ontinuation coverage to something ete this Form and return it to us. decide whether you want to switch
Send complet	ted Form to: [Enter N	Name and Address]	
		returned by mail [or describe ot arked no later than [enter date].	ther means of submission and due
	SEPARATELY COL YOUR	COBRA CONTINUATION CO	ELECTION NOTICE TO SECURE VERAGE.
	like to change the C n) as indicated below	OBRA continuation coverage ov:	option(s) in the [enter name of
Name	Date of Birth	Relationship to Employee	SSN (or other identifier)
a			
_			
New (Coverage Option:		
Signature		Date	
Print Name		Relationship	to individual(s) listed above

Telephone number

Print Address

Important Information About Your COBRA Continuation Coverage Rights

Am I eligible to elect COBRA continuation Coverage at this time?

Only individuals who lost group health coverage from September 1, 2008 through February 16, 2009 due to an involuntary termination of employment that occurred during that period, and who did not elect COBRA continuation coverage during their first election period OR who elected but subsequently discontinued COBRA coverage (for reasons other than becoming eligible for another group health plan or Medicare), are entitled to elect coverage at this time. If you lost group health coverage for any other reason between these dates and did not elect COBRA continuation coverage when it was first offered, you are not entitled to this second election period.

Am I eligible for the premium reduction?

If you lost group health coverage from September 1, 2008 through February 16, 2009 due to an involuntary termination of employment that occurred during that period and are not eligible for Medicare or other group health plan coverage, you are entitled to receive the premium reduction. Information about the amount of the premium reduction and how it affects your premium payments can be found below under the question, "How much does COBRA continuation coverage cost?"

How long will continuation coverage last?

Your coverage will begin retroactively on [insert date that is the beginning of the first period of coverage on or after February 17, 2009] and can generally continue for up to 18 months from the date of your involuntary termination of employment. The duration of the premium reduction is determined separately and may not last for the entire length of your COBRA coverage. See the question below entitled "How much does COBRA continuation coverage cost?"

Continuation coverage will be terminated before the end of the 18 month period if:

- any required premium is not paid in full on time,
- a qualified beneficiary becomes covered, after electing continuation coverage, under another group health plan that does not impose any pre-existing condition exclusion for a pre-existing condition of the qualified beneficiary,
- a qualified beneficiary becomes entitled to Medicare benefits (under Part A, Part B, or both) after electing continuation coverage, or
- the employer ceases to provide any group health plan for its employees.

Continuation coverage may also be terminated for any reason the Plan would terminate coverage of a participant or beneficiary not receiving continuation coverage (such as fraud).

How can you extend the length of COBRA continuation coverage?

If you elect continuation coverage, an extension of the maximum period of coverage may be available if a qualified beneficiary is disabled or a second qualifying event occurs. You must notify [enter name of party responsible for COBRA administration] of a disability or a second qualifying event in order to extend the period of continuation coverage. Failure to provide notice of a disability or second qualifying event may affect the right to extend the period of continuation coverage.

An 11-month extension of coverage may be available if any of the qualified beneficiaries is determined under the Social Security Act (SSA) to be disabled. The disability has to have started at some time on or before the 60th day of COBRA continuation coverage and must last at least until the end of the 18-month period of continuation coverage. [Describe Plan provisions for requiring notice of disability determination, including time frames and procedures.] Each qualified beneficiary who has elected continuation coverage will be entitled to the 11-month disability extension if one of them qualifies. If the qualified beneficiary is determined to no longer be disabled under the SSA, you must notify the Plan of that fact within 30 days after that determination.

Second Qualifying Event

An 18-month extension of coverage will be available to spouses and dependent children who elect continuation coverage if a second qualifying event occurs during the first 18 months of continuation coverage. The maximum amount of continuation coverage available when a second qualifying event occurs is 36 months. Such second qualifying events may include the death of a covered employee, divorce or separation from the covered employee, the covered employee's becoming entitled to Medicare benefits (under Part A, Part B, or both), or a dependent child's ceasing to be eligible for coverage as a dependent under the Plan. These events can be a second qualifying event only if they would have caused the qualified beneficiary to lose coverage under the Plan if the first qualifying event had not occurred. You must notify the Plan within 60 days after a second qualifying event occurs if you want to extend your continuation coverage.

How can you elect COBRA continuation coverage?

To elect continuation coverage, you must complete the Election Form and furnish it according to the directions on the form. Each qualified beneficiary has a separate right to elect continuation coverage. For example, the employee's spouse may elect continuation coverage even if the employee does not. Continuation coverage may be elected for only one, several, or for all dependent children who are qualified beneficiaries. A parent may elect to continue coverage on behalf of any dependent children. The employee or the employee's spouse can elect continuation coverage on behalf of all of the qualified beneficiaries.

In considering whether to elect continuation coverage, you should take into account that a failure to continue your group health coverage will affect your future rights under Federal law. First, you can lose the right to avoid having preexisting condition exclusions applied to you by other group health plans if you have a 63-day gap in health coverage, and election of continuation coverage may help prevent such a gap. Second, you will lose the guaranteed right to purchase individual health coverage that does not impose a preexisting condition exclusion if you do not elect continuation coverage for the maximum time available to you. If you do elect continuation coverage under this additional election period, the period from qualifying event to the date coverage begins under your election will not count as a break in coverage in determining whether you had a 63-day break in coverage.

How much does COBRA continuation coverage cost?

Generally, each qualified beneficiary may be required to pay the entire cost of continuation coverage. The amount a qualified beneficiary may be required to pay may not exceed 102 percent (or, in the case of an extension of continuation coverage due to a disability, 150 percent) of the cost to the group health plan (including both employer and employee contributions) for coverage of a similarly situated plan participant or beneficiary who is not receiving continuation coverage. The required payment for each continuation coverage period for each option is described in this notice.

The American Recovery and Reinvestment Act of 2009 (ARRA) reduces the COBRA premium in some cases. The premium reduction is available to certain individuals who experience a qualifying event that is an involuntary termination of employment during the period beginning with September 1, 2008 and ending with December 31, 2009. If you qualify for the premium reduction, you need only pay 35 percent of the COBRA premium otherwise due to the plan. This premium reduction is available for up to nine months. If your COBRA continuation coverage lasts for more than nine months, you will have to pay the full amount to continue your COBRA continuation coverage. See the attached "Summary of the COBRA Premium Reduction Provisions under ARRA" for more details, restrictions, and obligations as well as the form necessary to establish eligibility.

[If employees might be eligible for trade adjustment assistance, the following information must be added: The Trade Act of 2002 created a tax credit for certain individuals who become eligible for trade adjustment assistance and for certain retired employees who are receiving pension payments from the Pension Benefit Guaranty Corporation (PBGC). Under the tax provisions, eligible individuals can either take a tax credit or get advance payment of 65% of premiums paid for qualified health insurance, including continuation coverage. ARRA made several amendments to these provisions, including an increase in the amount of the credit to 80% of premiums for coverage before January 1, 2011 and temporary extensions of the maximum period of COBRA continuation coverage for PBGC recipients (covered employees who have a nonforfeitable right to a benefit any portion of which is to be paid by the PBGC) and TAA-eligible individuals.

If you have questions about these provisions, you may call the Health Coverage Tax Credit Customer Contact Center toll-free at 1-866-628-4282. TTD/TTY callers may call toll-free at 1-866-626-4282. More information about the Trade Act is also available at www.doleta.gov/tradeact.]

When and how must payment for COBRA continuation coverage be made?

First payment for continuation coverage

If you elect continuation coverage, you do not have to send any payment with the Election Form. However, you must make your first payment for continuation coverage not later than 45 days after the date of your election. (This is the date the Election Notice is post-marked, if mailed.) If you do not make your first payment for continuation coverage in full not later than 45 days after the date of your election, you will lose all continuation coverage rights under the Plan. You are responsible for making sure that the amount of your first payment is correct. You may contact [enter appropriate contact information, e.g., the Plan Administrator or other party responsible for COBRA administration under the Plan] to confirm the correct amount of your first payment.

Periodic payments for continuation coverage

After you make your first payment for continuation coverage, you will be required to make periodic payments for each subsequent coverage period. The amount due for each coverage period for each qualified beneficiary is shown in this notice. The periodic payments can be made on a monthly basis. Under the Plan, each of these periodic payments for continuation coverage is due on the [enter due day for each monthly payment] for that coverage period. [If Plan offers other payment schedules, enter with appropriate dates: You may instead make payments for continuation coverage for the following coverage periods, due on the following dates:]. If you make a periodic payment on or before the first day of the coverage period to which it applies, your coverage under the Plan will continue for that coverage period without any break. The Plan [select one: will or will not] send periodic notices of payments due for these coverage periods.

Grace periods for periodic payments

Although periodic payments are due on the dates shown above, you will be given a grace period of 30 days after the first day of the coverage period [or enter longer period permitted by Plan] to make each periodic payment. Your continuation coverage will be provided for each coverage period as long as payment for that coverage period is made before the end of the grace period for that payment. [If Plan suspends coverage during grace period for nonpayment, enter and modify as necessary: However, if you pay a periodic payment later than the first day of the coverage period to which it applies, but before the end of the grace period for the coverage period, your coverage under the Plan will be suspended as of the first day of the coverage period and then retroactively reinstated (going back to the first day of the coverage period) when the periodic payment is received. This means that any claim you submit for benefits while your coverage is suspended may be denied and may have to be resubmitted once your coverage is reinstated.]

If you fail to make a periodic payment before the end of the grace period for that coverage period, you will lose all rights to continuation coverage under the Plan.

Your first payment and all periodic payments for continuation coverage should be sent to:

[enter appropriate payment address]

For more information

This notice does not fully describe continuation coverage or other rights under the Plan. More information about continuation coverage and your rights under the Plan is available in your summary plan description or from the Plan Administrator.

If you have any questions concerning the information in this notice, your rights to coverage, or if you want a copy of your summary plan description, you should contact [enter name of party responsible for COBRA administration for the Plan, with telephone number and address].

Private sector employees seeking more information about rights under ERISA, including COBRA, the Health Insurance Portability and Accountability Act (HIPAA), and other laws affecting group health plans, can contact the U.S. Department of Labor's Employee Benefits Security Administration (EBSA) at 1-866-444-3272 or visit the EBSA website at www.dol.gov/ebsa. State and local government employees should contact HHS-CMS at www.cms.hhs.gov/COBRAContinuationofCov/ or NewCobraRights@cms.hhs.gov.

Keep Your Plan Informed of Address Changes

In order to protect your and your family's rights, you should keep the Plan Administrator informed of any changes in your address and the addresses of family members. You should also keep a copy, for your records, of any notices you send to the Plan Administrator.



Summary of the COBRA Premium http://www.jdsupra.com/post/document/iewer.aspx?fid=9a8e6237-40d5-43 Reduction Provisions under ARRA



President Obama signed the American Recovery and Reinvestment Act (ARRA) on February 17, 2009. The law gives "Assistance Eligible Individuals" the right to pay reduced COBRA premiums for periods of coverage beginning on or after February 17, 2009 and can last up to 9 months.

To be considered an "Assistance Eligible Individual" and get reduced premiums you:

- ➤ MUST be eligible for continuation coverage at any time during the period from September 1, 2008 through December 31, 2009 and elect the coverage;
- ➤ MUST have a continuation coverage election opportunity related to an involuntary termination of employment that occurred at some time from September 1, 2008 through December 31, 2009;
- ➤ MUST NOT be eligible for Medicare; AND
- ➤ MUST NOT be eligible for coverage under any other group health plan, such as a plan sponsored by a successor employer or a spouse's employer.*

Individuals who experienced a qualifying event as the result of an involuntary termination of employment at any time from September 1, 2008 through February 16, 2009 and were offered, but did not elect, continuation coverage OR who elected continuation coverage and subsequently discontinued it may have the right to an additional 60-day election period.

◆ IMPORTANT ◆

- ♦ If, after you elect COBRA and while you are paying the reduced premium, you become eligible for other group health plan coverage or Medicare you MUST notify the plan in writing. If you do not, you may be subject to a tax penalty.
- ♦ Electing the premium reduction disqualifies you for the Health Coverage Tax Credit. If you are eligible for the Health Coverage Tax Credit, which could be more valuable than the premium reduction, you will have received a notification from the IRS.
- The amount of the premium reduction is recaptured for certain high income individuals. If the amount you earn for the year is more than \$125,000 (or \$250,000 for married couples filing a joint federal income tax return) all or part of the premium reduction may be recaptured by an increase in your income tax liability for the year. If you think that your income may exceed the amounts above, you may wish to consider waiving your right to the premium reduction. For more information, consult your tax preparer or visit the IRS webpage on ARRA at www.irs.gov.

For general information regarding your plan's COBRA coverage you can contact [enter name of party responsible for COBRA administration for the Plan, with telephone number and address].

For specific information related to your plan's administration of the ARRA Premium Reduction or to notify the plan of your ineligibility to continue paying reduced premiums, contact [enter name of party responsible for ARRA Premium Reduction administration for the Plan, with telephone number and address].

If you are denied treatment as an "Assistance Eligible Individual" you may have the right to have the denial reviewed. For more information regarding reviews or for general information about the ARRA Premium Reduction go to:

<u>www.dol.gov/COBRA</u> or call 1-866-444-EBSA (3272)

*

^{*} Generally, this does not include coverage for only dental, vision, counseling, or referral services; coverage under a health flexible spending arrangement; or treatment that is furnished in an on-site medical facility maintained by the employer.

To apply for ARRA Premiu	ım Reduction, complete this form a	d return it to us along with youp	Electic	oppit Fiorit JDSU	JPRA
	rm in separately. If you choose to c Individual" to: [<i>Enter Name and Ad</i>		37-4005-4 est for	Treatment	spcep
You may also want to read Premium Reduction Provis	I the important information about yo sions Under ARRA."	ur rights included in the "Summa	ary of	the COBRA	L
[Insert Plan Name]	REQUEST FOR TREATMEN			rt Plan Mailing Address]	9
PERSONAL INFORMA	TION	-			
Name and mailing address of this form)	of employee (list any dependents on the back	f Telephone number			
		E-mail address (optional)			
Too	qualify, you must be able to che	ck 'Yes' for all statements.*			
The loss of employment was in				☐ Yes☐ No	
	red at some point on or after September 1	2008 and on or before December 31, 2	2009.	☐ Yes☐ No	
3. I elected (or am electing) COB				☐ Yes☐ No	
,	oup health plan coverage (or I was not eligi	ole for other group health plan coverage	Э	□ Yes□ No	
premium).	e (or I was not eligible for Medicare during	•	uced	□ Yeṣ□ No	
*If you checked NO for stateme	ent 3, you may still be eligible. See belo	w for more information.			
	ADDITIONAL ELECTI	ON PERIOD			
MUST complete and return. If you responsible for COBRA administration	al 60-day election period. You should reconsulate by believe you should have received this a ration for the Plan, with telephone number by right to the ARRA Premium Reduction.	Iditional notice but have not, contact [er and address].	nter nar	me of party	ave
Signature >		Date →			
Type or print name		Relationship to employee _>		-	
	FOR EMPLOYER OR PL Approved □ Denied □ Approvedecify reason below and then return a contract of the contract	for some/denied for others (explain	n in #4	below)	
	OR DENIAL OF TREATMENT AS AN	ASSISTANCE ELIGIBLE INDIVID	UAL		
1. Loss of employment was volum					
Individual did not elect COBRA	ccur between September 1, 2008 and Dece	mber 31, 2009.			
4. Other (please explain)	1 coverage.				
, ,					
*If you checked number 3, was	individual eligible for, and given, the A	Iditional Election Period described a	hovo?		
•	inistrator, or other party responsible for CC		ibove:		
→	Date →				
Type or print name					
	E-mail add				

DEPENDENT	INFORMATION (F	Parent or guardian should sign for minor children.)	5-43b5-8d93-de7c88bce
Name	Date of Birth	Relationship to Employee SSN (or other identifier)	
a			
1. I elected (or am	electing) COBRA continu	uation coverage.	☐ Yes□ No
•	<u> </u>	plan coverage.	☐ Yes□ No
3. I am NOT eligible	e for Medicare.	•	☐ Yes☐ No
	to exercise my right to the	ne ARRA Premium Reduction. To the best of my knowledge and belief all of rect.	f the answers I
Signature <u>→</u>		Date →	
		Relationship to employee _>	
	Date of Birth	Relationship to Employee SSN (or other identifier)	
1. I elected (or am	electing) COBRA continu	uation coverage.	☐ Yes☐ No
2. I am NOT eligible 3. I am NOT eligible		plan coverage.	☐ Yes☐ No ☐ Yes☐ No
	nis form are true and cor	ne ARRA Premium Reduction. To the best of my knowledge and belief all of rect. Date Date	
C		Relationship to Employee SSN (or other identifier)	□ Yeş□ No
	e for other group health i	plan coverage.	☐ Yes़☐ No
3. I am NOT eligible	e for Medicare.		□ Yes□ No
	nis form are true and cor	ne ARRA Premium Reduction. To the best of my knowledge and belief all or rect. Date Relationship to employee	

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Use this form to notify you	r plan that you are eligible for other Medicare.	group health plan coverage or
Plan Name	Participant Notification	Plan Mailing Address
PERSONAL INFORMATION		
Name and mailing address	Telephone	number
	E-mail add	ress (optional)
PREMIUM REDUCTION INEL	 IGIBILITY INFORMATION – Check on	е
I am eligible for coverage under another If any dependents are also eligible, include the		
Insert date you became eligible		
am eligible for Medicare.		_
Insert date you became eligible		
Insert date you became eligible	IMPORTANT	Li,
If you fail to notify your plan of be		coverage or Medicare AND continue to
If you fail to notify your plan of be pay reduced COBRA premiums yo	IMPORTANT coming eligible for other group health plan o	coverage or Medicare AND continue to mount of the premium reduction.
If you fail to notify your plan of be pay reduced COBRA premiums yo Eligibility is determ	IMPORTANT coming eligible for other group health plan or could be subject to a fine of 110% of the a	coverage or Medicare AND continue to mount of the premium reduction. ine the other coverage.
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