

April 7, 2021

ARPA COBRA Subsidy Model Notices and Guidance Released Today Requires Immediate Action

Ahead of its April 11, 2021 deadline, the U.S. Department of Labor (“**DOL**”) has issued some guidance and model notices related to the temporary 100% subsidy for COBRA health care continuation coverage (including under state mini-COBRA statutes) to “assistance eligible individuals” (“**AEIs**”), which was enacted under the American Rescue Plan Act of 2021 (“**ARPA**”). See our prior [newsletter](#) about the **ARPA COBRA subsidiary** [here](#).

The DOL has established a dedicated webpage for the ARPA COBRA Premium Subsidy, which can be found [here](#). The webpage has two sections—one for workers and their families and one for employers and their advisers. Much of the information in the two sections is duplicative (for example, both sections contain links to the model notices and the FAQs).

Most importantly, the webpage includes FAQs and model notices:

- **FAQs** are available [here](#).
- **Model Notices** include the following:
 - [General Notice and Election Notice](#)
 - [Notice in Connection with Extended Election Period](#)
 - [Alternative Notice](#)
 - [Notice of Expiration of Premium Assistance](#)
 - [Summary of the COBRA Premium Assistance Provisions](#)

We know many of you are eager to begin communicating with your workforces about the ARPA COBRA subsidy. However, we encourage you to take the time to initially and carefully review all of the FAQs and the notices so you understand their contents and what questions may remain unanswered (for example, this DOL guidance does not address the issues related to actually taking the credit as that guidance will be issued by the IRS and the Treasury Department). We will be conducting our own review and will be incorporating the information gleaned from the FAQs and notices in our [ARPA COBRA action plan](#), which we will share once we’ve updated it.

How We Can Help

Please contact one of us or your regular Brownstein attorney for answers to your questions about this new COBRA subsidy.

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