

**Notice of Expiration of Certain Deadline Relief and Summary of Material
Modifications
Prepared for Yellowstone County Employee Benefit Plan Participants
Effective April 10, 2023**

This document provides notice of the expiration of the deadline relief that began on March 1, 2020, and an explanation of how that expiration will affect certain deadlines tolled under prior guidance applicable to ERISA plans. This is a Summary of Material Modifications (“Summary”) to the extent those extensions applied to ERISA benefits under the **Yellowstone County Employee Benefit Plan** (“the Plan”). You should take the time to read this Summary carefully and keep it with the Summary Plan Description (“SPD”) document that was previously provided to you. If you need another copy of the SPD or if you have any questions regarding these changes to the Plan, please contact Human Resources, LynnDee Schmidt during normal business hours at 406-256-2737 or by mail at PO Box 35041, Billings, MT 59107, or visit our website at www.yellowstonecountymt.gov and click on the Human Resources page.

The National Emergency ended on April 10, 2023, and the Public Health Emergency ends on May 11, 2023, impacting the expiration of many rules stemming from the COVID-19 federal emergency declarations. Information below summarizes the timing of when important rules will be phased out.

- On April 28, 2020, Multi-Agency guidance extended certain deadlines that apply to group health plans that fall within the COVID-19 outbreak period beginning **March 1, 2020**. Those deadlines included and were limited to the following:
 - The 30-day period to request special enrollment under HIPAA (or 60-day period as applicable to CHIP enrollment requests);
 - employees, spouses, and new dependents are allowed to enroll upon marriage, birth, adoption, or placement for adoption;
 - employees and dependents are allowed to enroll if they had declined coverage due to other health coverage and then lose eligibility or lose all employer contributions towards active coverage;
 - employees and their dependents are allowed to enroll upon loss of coverage under a state Children’s Health Insurance Program (CHIP) or Medicaid or who are eligible to receive premium assistance under those programs;
 - The 60-day election period for COBRA continuation coverage;
 - The deadline for making COBRA premium payments;
 - The 60-day deadline for individuals to notify a plan of a COBRA qualifying event or determination of disability;
 - The deadline for individuals to file an ERISA benefit claim under the plan’s claims procedure (including a H-FSA run out period deadline that ends during the outbreak period); or

- The deadline for claimants to file an appeal of an adverse benefit determination, a request for an external review, and to file information related to a request for external review for an ERISA plan.

The period that these deadlines can be tolled was limited to the earlier of one year from the date an individual was first eligible for relief, or 60 days after the announced end of the National Emergency. Therefore, all deadline tolling ends 60 days after April 10, 2023 or June 9, 2023.

Examples and Explanations:

If a qualified beneficiary would have been required to make their COBRA election (generally 60 days after the loss of coverage) by March 1, 2022, the Outbreak Period delays that election requirement until the earlier of 1 year from that date (March 1, 2023) or the end of the Outbreak Period, plus an additional 60-day extension. With the June 9, 2023, end date of the Outbreak Period and 60-day extension, the applicable deadline would be March 1, 2023.

A qualified beneficiary (QB) experiences a qualifying event and loses coverage on May 12, 2023. This QB is provided a COBRA election notice on May 15, 2023. Because the qualifying event occurred on May 12, 2023, after the end of the COVID-19 National Emergency but during the Outbreak Period, the extensions under the emergency relief notices still apply. The last day of this QB's COBRA election period is 60 days after June 9, 2023 (the end of the Outbreak Period), which is August 8, 2023. Note that where the qualifying event occurs after the end of both the NE and the Outbreak Period, extensions under the NE relief do not apply.

Employee is eligible for their employer's group health plan but previously declined participation. On April 1, 2023, employee had a baby and would like to enroll themselves and the child into their employer's plan. Employee and the child qualify for special enrollment in the employer's plan as early as the date of the child's birth, April 1, 2023. Employee may exercise special enrollment rights until 30 days after June 9, 2023 (end of the Outbreak Period), which is July 9, 2023.

- On March 18, 2020, the Families First Coronavirus Response Act (FFCRA) was signed into law and required all employer-sponsored health plans to provide coverage for testing and other services related to COVID-19 without cost sharing. The Coronavirus Aid, Relief, and Economic Security Act (CARES Act) expanded coverage of COVID-19 testing and effective January 15, 2022, Multi-Agency guidance included OTC COVID-19 tests to be covered by all group health plans without cost sharing.

This requirement was effective for the duration of the Public Health Emergency and will end May 11, 2023.

Beginning May 12, 2023, all Covid-19 testing and OTC (Over the Counter) Covid-19 tests will run through the medical insurance and be subject to deductibles and co-pays.

Again, if you have any questions regarding these changes to the Plan or your specific circumstances, please contact:

Yellowstone County

Human Resources

PO Box 35041, Billings, MT 59107

Or contact LynnDee Schmidt during normal business hours at 406-256-2737

or visit our website at www.yellowstonecountymt.gov and click on the Human Resources page.