



BMS
Benefit Management Services

July 18, 2003

Office of Regulations and Interpretations
Employee Benefits Security Administration, U.S. Dept of Labor
Room N-5669
200 Constitution Avenue NW
Washington, DC 20210
Attn: COBRA Notice Regulations

RE: Proposed COBRA Notice Regulations
Comments/Question on Section 2590.606-4

To Whom It May Concern:

I attempted to email the attached, but it was returned for several days as undeliverable. I would greatly appreciate a response to my questions by email if possible. My email address is: bhaseltine@bmstpa.com

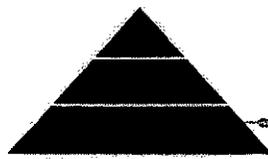
Sincerely,

Betsy Haseltine
COBRA Administration

Enclosure

RECEIVED
OFFICE OF REGULATIONS
AND INTERPRETATIONS
2003 JUL 23 PM 2:15

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BMS

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Third Party Administrators (TPAs) provide COBRA administration as a service to a large number of clients and, therefore, send out a high volume of COBRA notices on a daily basis. Most of the information in the proposed 15 points to be included in the **COBRA Continuation Coverage Election Notice** has always been included in our notification packets, but we will still need to make some changes to be in compliance with the new regulations. Our goal is to streamline our notification packet as much as possible while still providing the necessary information. Listed below are specific concerns that we would like to be addressed.

- 1) **MODEL COBRA CONTINUATION COVERAGE ELECTION NOTICE - PAGE 31852 OF FEDERAL REGISTER**

DEPENDENT NAMES ON ELECTION NOTICE

Because the specific dependent names will now be required in the election notice as one of the 15 items, system reprogramming will be necessary to avoid manually entering each dependent name. If this cannot be done, the manual process will be very time consuming.

Is it still within the legal regulations if a generic statement is used, such as: "All eligible dependents covered under the (name of plan) at the time of the qualifying event" ? This would be instead of listing specific dependent names, but in addition to the statement of independent election rights, and all other items included.

- 2) **MODEL COBRA CONTINUATION COVERAGE ELECTION NOTICE AND ELECTION FORM - PAGE 31852 AND 31853 OF FEDERAL REGISTER**

TIME PERIOD FOR COBRA ELECTION

In the proposed notice, while there is a specific date for the end of the election period, there is no statement that they have 60 days to elect.

Since the regulations specifically state that the election period is 60 days, shouldn't the notice also state that they have "60 days from the qualifying event or the date of the notice, whichever is the later date"? This would be in addition to the specific date indicated.

- 3) **IMPORTANT INFORMATION ABOUT YOUR COBRA CONTINUATION COVERAGE RIGHTS - PAGES 31854 AND 31858 OF FEDERAL REGISTER**

CONTACT INFORMATION FOR SPD

Our goal is for this section to be as generic as possible to be used for all of our clients to minimize the cost and time involved.

In the two places where specific contact information is indicated for requesting an SPD, can a more generic statement be used, such as: "which can be obtained from the Human Resources/Benefits Department of your Plan Administrator"? This would be instead of having to list a specific individual, address or phone number.

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