



## HR & BENEFITS UPDATE

### **Latest Extension of Unemployment & COBRA Premium Subsidy Requires Employers & Group Health Plans Scramble Again To Comply With Retroactive Mandates**

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*By Cynthia Marcotte Stamer*

The Continuing Extension Act of 2010 (H.R. 4851) signed into law yesterday (April 15, 2010) extends federal unemployment benefits and the COBRA premium subsidy program while Congress continues to debate. While Congress continues to debate whether to adopt a longer term extension of these programs, employers and group health plans will have to scramble again to send out required notifications and handle other details required to comply with this latest temporary extension to these benefits. Transitional relief included in the bill requires action again by group health plans and/or sponsoring employers, who again must tell former employees and their dependents of the retroactively granted relief.

Among other things, H.R. 4851:

- Extends the period unemployed individuals may file applications for Federal Emergency Unemployment Compensation (EUC) from April 5, 2010 to June 2, 2010
- Extends from September 4, 2010 to November 6, 2010 the period which individuals may claim and be paid EUC and also the period that individuals can qualify for the Federal Additional Compensation (FAC), (the extra \$25 per weekly benefit amount on state and federal unemployment compensation)
- Extends the period the federal government will provide 100% reimbursement for weeks of regular federal extended benefit payments from April 5, 2010 to June 2, 2010, with the state option to continue the benefit extension period from September 4, 2010 to November 6, 2010
- Extends the eligibility period for the COBRA health insurance 65% subsidy for qualifying individuals who have lost employment based health coverage due to an employment loss through May 31, 2010 and provides transition relief for individuals who lost their jobs between March 31, 2010 and April 15, 2010

Yesterday's short-term extension is the latest in a series of short-term emergency extensions of special unemployment benefit and COBRA premium subsidies originally enacted in February, 2009 under the American Recovery & Reinvestment Act of 1990. See [Extension of Unemployment Benefits Signed Into Law & Immediately Effective As Filibuster Ends](#). Even as it passed the short-term extension of this relief in H.R. 4851, Congress continues to consider legislation that would provide for a longer extension of unemployment and COBRA premium subsidy benefits. H.R. 4213, for instance, would extend benefits through the end of 2010.

The COBRA premium subsidy and other recent employment and employee benefit developments will be among the topics that attorney Cynthia Marcotte Stamer will be discussing during her upcoming “Legal Update on Employment Law” presentations at the “Barnstorm 2010: Creating an Effective Leaders-Tools of the Trade” management training that the Texas Society for Healthcare Human Resources Administration and Education (TSHHRAE) will be hosting for health industry human resources and other managers in five Texas cities between April 26 and April 30, 2010. For registration and other information about the Barnstorm Program, see [here](#).

### **About Ms. Stamer**

Board Certified in Labor & Employment Law by the Texas Board of Legal Specialization, Ms. Stamer is nationally recognized for more than 22 years of work with health industry and other organizations on labor and employment, staffing and credentialing, employee benefits, performance management and discipline, compliance and internal controls, risk management, and public policy matters.

The Chair of the American Bar Association (ABA) RPTE Employee Benefits & Other Compensation Committee, a Council Representative on the ABA Joint Committee on Employee Benefits, Government Affairs Committee Legislative Chair for the Dallas Human Resources Management Association, Vice President of the North Texas Health Care Compliance Professionals Association, past Chair of the ABA Health Law Section Managed Care & Insurance Interest Group, and the editor and publisher of [Solutions Law Press HR & Benefits Update](#), the [Solutions Law Press Health Care Update](#), and [Solutions Law Press Health Care Privacy & Technology Update](#), Ms. Stamer also is recognized for her publications, industry leadership, workshops and presentations on these and other health industry and human resources concerns. She regularly speaks and conducts training for the ABA, American Health Lawyers Association (AHLA), Health Care Compliance Association, Institute of Internal Auditors, Harris County Medical Society, the Medical Group Management Association, SHRM, Southwest Benefits Association and many other organizations. Publishers of her many highly regarded writings on health industry and human resources matters include the Bureau of National Affairs, Aspen Publishers, ABA, AHLA, Spencer Publications, World At Work, SHRM, Business Insurance, James Publishing and many others. You can review other highlights of Ms. Stamer’s health care experience [here](#), and employment experience [here](#). Her insights on these and other matters appear in Managed Care Executive, Modern Health Care, the Wall Street Journal, the Dallas Business Journal, the Houston Business Journal, MDNews, Kentucky Physician, and many other national and local publications.

If you need help with human resources or other management, concerns, wish to ask about compliance, risk management or training, or need legal representation on other matters please contact Cynthia Marcotte Stamer at [cstamer@cttlegal.com](mailto:cstamer@cttlegal.com) or 214.270.2402.

### **Other Resources**

If you found this information of interest, you also may be interested in reviewing other updates and publications by Ms. Stamer including:

- [Unemployment, COBRA Premium Subsidy Temporarily Extended As Congress Mulls Passing Longer Relief](#)
- [Agencies Invite Public To Share Input About Insurer Obligation To Report About Health Premium Use Under Health Care Reform Law](#)

- [TSHHRAE Provides Health Industry HR & Other Managers Employment Law Update & Other Timely Management Training At April Barnstorm 2010: Creating Effective Leaders Programs](#)
- [Stamer To Discuss “Health Care Reform’s Implications For Employers, Health Plans & Employee Benefits Practitioners” At May 5 Dallas Bar Association Meeting](#)
- [Stamer To Speak About TPA & Other Plan Services Agreement Contracting Strategies For Managing Risks & Improving Effectiveness At 2010 Great Lakes Benefits Conference](#)
- [Extension of Unemployment Benefits Signed Into Law & Immediately Effective As Filibuster Ends](#)
- [COBRA Premium Subsidy Requirements Expanded & Extended Under Newly Signed Unemployment Extension Legislation](#)
- [Employers Concerned About New Union Powers As NLRB Orders Union Elections In 31 California Health Care Facilities To Proceed](#)
- [Privacy Rule Changes & Posting of Breach Notices On OCR Website Signal New Enforcement Risks For Health Plans, Their Sponsors & Business Associates](#)
- [Stamer To Present “2010 Health Plan Checkup” At Annual DFW ISCEBS Employee Benefits Fundamentals Workshop](#)
- [SouthWest Benefits e-Connections Highlights Stamer Article About Importance For Health Plans, Their Sponsors & Business Associates To Update HIPAA Policies, Practices & Agreements](#)
- [Health Plan Liability Heats Up As Plans & Businesses Face New Obligations, Costs & Exposures under New HIPAA Privacy Rules Effective 2/17 & Other Expanding Federal Health Plan Mandates](#)
- [Employers, Group Health Plans Subject To New CHIP/Medicaid Notice, Coordination of Benefits & Special Enrollment Requirements](#)
- [Health Plans & Business Associates Face 2/17 Deadline To Update Policies, Contracts & Procedures For HIPAA Privacy Rule Changes](#)
- [St. Louis Employer's OSHA Violations Trigger Contempt Order and Penalties](#)
- [Labor Department Final H-2A Certification Procedures Tighten Requirements For Employment Of Temporary Agricultural Employment Of Workers](#)
- [COBRA, HIPAA, GINA, Mental Health Parity or Other Group Health Plan Rule Violations Trigger New Excise Tax Self-Assessment & Reporting Obligations](#)
- [Inapplicability of HIPAA Privacy To Disability Insurer Not License To Impose Unreasonable Claims Requirements](#)
- [New Mental Health Parity Regulations Require Health Plan Review & Updates](#)

If you or someone else you know would like to receive future updates about developments on these and other concerns, please be sure that we have your current contact information – including your preferred e-mail – by creating or updating your profile [here](#) or e-mailing this information [here](#) or registering to receive our Solutions Law Press distributions [here](#). For important information about this communication click [here](#). If you do not wish to receive these updates in the future, send an e-mail with the word “Remove” in the Subject to [here](#).