

# COVID-19 National Emergency Ends

COVID-19 National Emergency extensions are coming to an end. In April 2020, the Employee Benefits Security Administration, Department of Labor, Internal Revenue Service and Department of the Treasury (the “Agencies”) [released EBSA Disaster Relief Notice 2020-01](#). This Notice suspended certain timelines tied to benefit plans, including COBRA elections and payments, as well as ERISA plan claim filing and appeals deadlines. When Notice 2020-01 was implemented, the rule said certain timelines would be extended until the end of the National Emergency plus an extra 60 days (which was defined as the Outbreak period). Essentially, the Agencies were providing a form of relief to individuals who needed it in the early days of COVID-19, though this rule also did create uncertainty and ambiguity for plan sponsors and administrators due to the fluid end date. After a full year of this uncertainty, some clarity on the timeline changes was offered with [EBSA Disaster Relief Notice 2021-01](#), which gave the extension an end date: None of the deadlines could be extended more than 12 months.

The White House originally released a statement in January 2023 indicating the National Emergency will end on May 11, 2023. However, on April 10, 2023 [H.J.Res.7](#) was executed by President Biden, ending the National Emergency immediately (and earlier than expected). As noted above, the end of the National Emergency plus 60 days constitutes the end of the Outbreak Period, when the normal timelines take effect once again. However, the President ending the National Emergency early created some haziness around the actual end of the Outbreak Period and, with that, the extensions. **While formal guidance on this issue is still possible (and welcome), the prevailing thought by industry experts is that the extensions will sunset on July 11, 2023.** This was the date noted in an FAQ published by the Agencies back in March on this topic, and experts feel that this is still the appropriate date to use for the end of the Outbreak Period and its associated extensions.

Sentinel provided an in-depth overview of what the end of the National Emergency and Outbreak Period means for employers and plan participants in [a webinar held on April 6, 2023](#). Additionally, here is an example as to how the final timelines will play out now that the National Emergency is officially ended, assuming that the July 11 date noted above is indeed the date that the Agencies intended to use as the Outbreak Period end date:

**Example:** FSA Claim Filing Runout Period prior to end of National Emergency

- FSA 12/31/2022 plan-year-end runout deadline: March 31, 2023
- End of Outbreak Period: July 11, 2023
- Adjusted FSA 2022 plan year runout deadline (End of Outbreak Period + 90 Days): October 9, 2023