

**SAN FRANCISCO ELECTRICAL WORKERS  
HEALTH & WELFARE TRUST  
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**Summary of Material Modifications**

**August 2020**

**San Francisco Electrical Workers Health & Welfare Plan  
Important Notice of Changes to Plan Relating to  
Extension of Deadlines During Coronavirus Outbreak Period**

In response to the coronavirus disease COVID-19, the Department of Labor and Department of Treasury adopted an emergency regulation that extends eight important filing deadlines that may fall within the “Outbreak Period.” The Outbreak Period runs from March 1, 2020, until sixty (60) days following the announced end of the National Emergency. Under the new regulation, the Plan will disregard the Outbreak Period when calculating the time in which you will be required to submit applicable documentation to secure your rights under the Plan.

The affected temporary deadline extensions are described below.

1. Special Enrollment. (SPD, Section 6.4) Normal Deadline: You have **30 days** to enroll a newly acquired Dependent at a time other than your initial or open enrollment.

Application of Temporary Deadline Extension:

*Example:* Your child was born on February 15, 2020. Normally you would have been required to enroll your child as a Dependent by or before March 16 or else wait until the next enrollment opportunity. Under the regulation, however, if you failed to do so within that timeframe, assuming the National Emergency ends on September 30, 2020, the Outbreak Period is March 1, 2020 through November 29, 2020 which will be disregarded by the Plan. You have the remaining 15 days -- until December 14, 2020 -- to enroll your child as a Dependent in the Plan.

Note that until such documentation is received, the Plan Office will inform providers that your child is not currently enrolled in the Plan, but is expected to be enrolled retroactively within the special enrollment period.

2. Electing COBRA Coverage. (SPD, Article VII) Normal Deadline: You have **60 days** from the later of the date you lost Plan coverage or the date of the Plan’s letter notifying of your COBRA rights to submit an Election form requesting COBRA.

3. Making COBRA Monthly Coverage Payments. (SPD, Article VII) Normal Deadline: You have **45 days** from the date of the mailing on the Election form to submit payment for

COBRA Monthly Coverage Payment. Payments are due by the first of the month and are subject to a 30-day grace period.

Application of Temporary Deadline Extension:

A decision to defer a COBRA election or premium payment does not mean that you will have free continuous coverage during the deferral period. If you decide to elect COBRA coverage at a later permitted date, you will be eligible for coverage retroactively only if you make all COBRA premium payments retroactively. If you do not make your COBRA election and/or payment by the extended deadline, you will not be covered under the Plan and you will be responsible for any medical claims that you incurred. Please read the examples below carefully.

*Examples:*

- 1) Jeremy loses coverage on January 1, 2020 due to a reduction of hours and received a COBRA election notice on January 14, 2020. Jeremy did not elect COBRA coverage by March 14, 2020, which was the deadline under the normal COBRA election rules. The 14-day portion of his COBRA election window that falls within the Outbreak Period (March 1-March 14) is disregarded. Jeremy's COBRA election period will now end fourteen (14) days after the end of the Outbreak Period.
- 2) Craig loses coverage due to a reduction of hours and received a COBRA election notice on April 1, 2020. Craig's COBRA election period will end sixty (60) days after the end of the Outbreak Period. Until Craig elects COBRA coverage, the Plan Office will inform providers that Craig's coverage has terminated, but he will maintain continuous coverage retroactively if he elects COBRA coverage during his election period and timely pays his COBRA premium covering the month of service (see 3(a), below).
- 3) Janet was receiving COBRA coverage on March 1, 2020. More than 45 days had passed since Janet had elected COBRA. Janet made a timely February COBRA premium payment but has not made any payments since then. As of September 1, 2020, Janet has made no premium payments for March, April, May, June, July, August or September. For purposes of this example, assume that the Outbreak Period ends on November 29, 2020 (end of National Emergency is September 30). Janet's premium payments for seven months (March through September) are due by December 29, 2020.
  - a) The Plan will pay for benefits and services retroactively only if Janet pays the COBRA premium by December 29, 2020. Until Janet pays the retroactive COBRA premium(s), the Plan Office will inform providers that Janet's coverage has terminated, but she will maintain continuous coverage retroactively if she pays her COBRA premiums covering the month of service.
  - b) If Janet only submits payment equivalent to two months' premiums by December 29, 2020, benefits and services provided on or before April 30, 2020 would be covered but

the Plan would not be obligated to pay for benefits or services that occurred after April 2020.

4. Notifying the Plan of a Qualifying Event or Determination of Disability. (SPD, Section 7.4) Normal Rules: You (and your Dependents) have **60 days** to notify the Plan if your Dependent loses, or will lose, Plan coverage due to the event of divorce, legal separation or ceasing to be a Dependent. You have **60 days** after the date of the determination of disability to notify the Plan Office that you (or your Dependent) have been disabled during the first 60 days of COBRA coverage

Application of Temporary Deadline Extension:

For purposes of this example, assume that the Outbreak Period ends on November 29, 2020 (end of National Emergency is September 30).

*Example:* Your dissolution was finalized on January 26, 2020. As of March 1, 2020, you have 26 days to notify the Plan Office of this qualifying event for COBRA election purposes. Your new deadline is December 25, 2020 to notify the Plan Office. (Outbreak period + 26 days)

You must notify the Plan Office when a spouse or child ceases to be a Dependent under the Plan regardless of COBRA. The failure to do so may be considered fraud and may result in the loss of your own coverage under the Plan. If your former spouse decides to elect COBRA several months after her entitlement to COBRA, coverage will not be extended without retroactive payment of the COBRA Monthly Coverage Payment. (See examples in #2 and #3 above.)

5. Filing a Claim. (SPD, Appendix C.1) Normal Rule: You must file a claim within **24 months** from the date of treatment for any claim for non-HMO benefits. (For Kaiser HMO and Blue Shield HMO, you must follow their respective claim filing deadlines.)

Application of Temporary Deadline Extension:

For purposes of this example, assume that the Outbreak Period ends on November 29, 2020 (end of National Emergency is September 30).

*Example:* You are enrolled in the Self-Funded plan and received services for knee surgery on November 1, 2019. Neither you nor your doctor submitted a claim for reimbursement for the surgery or related medical expenses as of February 29, 2020 but you still had 20 months to file a claim. Your new deadline is July 29, 2022 to submit a claim for these benefits. (Outbreak period + 20 months)

6. Filing an Appeal of an Adverse Benefit Determination. (SPD, Appendix C.5) Normal Rule: You must file a written request for review of denied self-funded PPO claim or disability

claim on review within **180 days** of the denial. For all other types of claims, your appeal must be made within **60 days** of the date of the denial.

Application of Temporary Deadline Extension:

For purposes of this example, assume that the Outbreak Period ends on November 29, 2020 (end of National Emergency is September 30).

*Example:* Your doctor recommended that you have knee surgery in November, 2019, but the Plan denied the services for lack of medical necessity on December 16, 2019. On March 1, 2020, you still had 105 days remaining on your 180-day timeframe to submit a written appeal of the denial. Your new deadline to appeal is March 14, 2020. (Outbreak period + 105 days)

7. Filing a Request for an External Review after Adverse Benefit Determination. (SPD, Appendix C.6) Normal Rule: You must file a written request for external review of any denial of a PPO claim on final appeal within **4 months** of the decision on final appeal.

Application of Temporary Deadline Extension:

For purposes of this example, assume that the Outbreak Period ends on November 29, 2020 (end of National Emergency is September 30).

*Example:* You filed an appeal for a procedure that was deemed experimental in October 2019. On November 10, 2019, the Plan informed you that your appeal was denied by the Board of Trustees. As of March 1, 2020, you had 9 days remaining to request an external review of the final appeal decision. Your new deadline is December 8, 2020. (Outbreak period + 9 days)

8. Filing Information to Perfect a Request for an External Review. Normal Rule: You must submit information or materials needed to make a written request for external review of any denial of a PPO claim on final appeal within **4 months** of the decision on final appeal or within the 48-hour period following receipt of notification by the Plan that the request is not complete, whichever is later.

Application of Temporary Deadline Extension:

For purposes of this example, assume that the Outbreak Period ends on November 29, 2020 (end of National Emergency is September 30).


*Example:* You filed an appeal for a procedure that was deemed experimental in October 2019. On November 10, 2019, the Plan informed you that your appeal was denied by the Board of Trustees due to incomplete documentation. As of March 1, 2020, you had 9 days remaining to submit additional information or materials needed to perfect your request for an external review of the final appeal decision. Your new deadline is December 8, 2020. (Outbreak period + 9 days)

Please call the Plan Office at (415) 263-3670 if you have any questions.

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Dated: August 3, 2020

  
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John Doherty, Board Co-Chair

  
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Thomas Coleman, Board Co-Chair