



*Request for Expedited Review of  
Denial of Premium Assistance  
(for COBRA or State Continuation Coverage)*



*Submit to: Centers for Medicare & Medicaid Services*

You **MUST** use this form to request that the Centers for Medicare & Medicaid Services (CMS) review your **denial** of premium assistance to cover the cost of continuation coverage provided under COBRA laws applicable to Federal, State and local government employees and comparable State laws.

**If you fail to send us this completed form, we will NOT be able to review your case.**

**GENERAL INFORMATION:**

If you or a family member has lost employment, a new law may make it possible for you to keep your employment-related health coverage. The American Recovery and Reinvestment Act of 2009 (ARRA) provides for premium assistance for health benefits under the Consolidated Omnibus Budget Reconciliation Act of 1985, commonly called COBRA. The premium assistance is also available for continuation coverage under certain State laws that generally cover private employers with less than 20 employees.

For coverage periods beginning on or after February 17, 2009, assistance eligible individuals pay only 35% of their continuation coverage premiums to the plan. The remaining 65% is reimbursed to the plan, employer, or health insurance issuer through a payroll tax credit.

To be eligible for this assistance, you must meet ALL of the following requirements:

- ◆ Be eligible for continuation coverage under COBRA or a State law that provides comparable continuation coverage (for example, so-called “mini-COBRA” laws) at any time during the period beginning September 1, 2008 and ending December 31, 2009;
- ◆ Elect continuation coverage (when first offered or during the additional election period); and
- ◆ Have a qualifying event for the continuation coverage that is the employee’s involuntary termination during the period beginning September 1, 2008 and ending December 31, 2009.

CMS conducts the expedited review of denials of premium assistance under:

- COBRA continuation coverage offered by the Federal government and state and local governments with 20 or more employees; and
- comparable State continuation coverage offered by small private employers.

If you or your family member worked for one of these types of employers, CMS can review your case.

If you believe you are eligible for this premium assistance, but your request for premium assistance has been denied, you may apply for an expedited review of the denial.

Follow the instructions included with this form and mail, fax or deliver (by hand or by courier) your completed request for review to:

MAXIMUS Federal Services  
COBRA--Continuation Coverage  
Assistance Appeals Project  
800 Cross Keys Office Park – Suite 822  
Fairport, New York 14450  
Toll-Free Phone No. (866) 400-6689  
Toll-Free Fax No. (866) 941-0170

**APPLYING FOR REVIEW:**

When completing your application, answer all of the questions to the best of your knowledge and ability. We realize that you may not be able to answer every question, so, where you don't know the answer, or are unsure, you can check the box marked "Unsure or N/A." (N/A stands for "not applicable.") Please keep in mind that we need the answers to these questions so that we can review your application and make our determination, and we cannot begin our review until we have all of the necessary information. Feel free to include copies of any documents that may help us in our review. Some examples of these documents are listed in the attached instructions. Since we may need to call you with questions, or to obtain more information, it's important that you provide us with your phone number during business hours, an alternate phone number, and an email address, if possible, where requested on the form.

If you have any questions about how to complete this form, or about your eligibility for premium assistance, please visit our website at: [www.COBRAAppeals.com](http://www.COBRAAppeals.com). You may also contact us via e-mail at: COBRAAppeals.@MAXIMUS.com or via phone (toll-free) at: (866) 400-6689. We cannot, however, accept your application for review over the phone or by e-mail.

NOTE: If your continuation coverage is provided through a private sector plan sponsored by an employer with at least 20 employees, you should direct your request for review to the Department of Labor. You can access the DOL website at [www.dol.gov/COBRA](http://www.dol.gov/COBRA) or call toll-free at (866) 444-3272.



**Question #4** For purposes of the premium assistance, qualifying events such as divorce, legal separation, entitlement to Medicare, a child ceasing to be a dependent child under the terms of the plan, or death of the employee are not terminations of employment.

**Question #5** To be eligible for the premium assistance, the employee's job termination must have been involuntary. Whether a termination of employment is an involuntary termination of employment is determined based on all the relevant facts and circumstances. Examples of situations that may constitute an involuntary termination of employment are listed in Question 5. For help in determining if other situations are involuntary terminations, see pages 7 to 11 of IRS Notice 2009-27 at [www.irs.gov/pub/irs-drop/n-09-27.pdf](http://www.irs.gov/pub/irs-drop/n-09-27.pdf). Check the appropriate box that describes your situation or that of your family member. If none of the examples address the termination, answer YES in Item 5f and describe the circumstances of the termination in the **Other Information** box at the end of the application. Also please note: An employee and his or her dependents may not be eligible for continuation coverage if the employee was terminated from employment for gross misconduct.

**Question #6** If you were employed by a private-sector employer, answer NO. If your benefits were provided by the Federal government, a State or local governmental plan, or a church plan, answer YES. If you answered NO to this question, CMS may not have jurisdiction to review your request for review. You should send an application for review to the Department of Labor. Instructions on how to submit such an application may be found at [www.dol.gov/COBRA](http://www.dol.gov/COBRA).

**Question #7** Answer based upon the number of employees you believe the employer had. We recognize that you may not have the information to confirm this response. Generally, Federal COBRA only applies to group health plans maintained by employers that had at least 20 employees on more than 50 percent of its typical business days in the previous calendar year (January 1 to December 31), counting full- and part-time employees. Each part-time employee counts as a fraction of a full-time employee, using the number of hours that the part-time employee worked divided by the hours an employee must work to be considered full time. In addition, special counting rules may apply to small employers who participate in a multiemployer plan. For more information, see IRS regulations at 26 CFR § 54.4980B-2, Q&A-5.

Please note: although Federal COBRA rules do not apply to these small employers, the premium assistance applies to comparable continuation coverage that is provided pursuant to State law. If you answer NO to this Question indicating that your employer had fewer than 20 employees, your plan may be providing comparable State coverage. Contact your State's Department of Insurance (DOI) as a first step in determining whether State law applies to your coverage and qualifies you for premium assistance under ARRA. You can find a link to your State DOI at: [www.naic.org/state\\_web\\_map.htm](http://www.naic.org/state_web_map.htm).

**Question #8** If you were offered continuation coverage in connection with your or your family member's job, select the answer that best addresses the status of your election. The election notice should be provided to qualified beneficiaries and should include information to help you understand continuation coverage, including the name of the plan's administrator. If you received such a notice, answer YES. You must be given an election period (starting on the later of the date the employer sends the notice to you (which, for instance, could be indicated by a postmark date) or the date you would lose coverage) to choose whether or not to elect continuation coverage. Did you let your plan know that you elected

continuation coverage? If so, answer YES. If you requested continuation coverage but were denied, your plan must provide a notice that explains the reason for denying your request. Refer to this notice to answer the question and provide the reason in the **Other Information** section at the end of the application and attach a copy of the notice with your application.

Note that ARRA added a second election period for some individuals who experience an involuntary job termination from September 1, 2008 through February 16, 2009. If these individuals did not elect COBRA continuation coverage on their first opportunity, or elected continuation coverage but dropped it, they have a second opportunity to elect it. This additional election period only applies to individuals eligible for continuation coverage under comparable State programs if the State chooses to provide an additional election period.

**Question #9** If you received notice about the premium assistance in either the election form or a General Notice, answer YES. If you were denied the premium assistance, your plan may have provided you written notification of the reason for the denial, possibly on the form you used to request the premium assistance. If so, refer to that document to provide the reason in the **Other Information** section at the end of the application and attach a copy of the document with your application. If you have received no response to your request, you should answer "Unsure."

**Question #10** Answer YES if you are *eligible for coverage* under another group health plan or Medicare benefits. If you answer YES to this Question, you are not eligible for the premium assistance on the first date of eligibility for the other coverage. Note: if you are eligible for the premium assistance, you are required to notify the plan when you become eligible for Medicare or other group health coverage. Failure to do so may subject you to a penalty of 110 percent of the amount of any premium assistance.

**Question #11** If the amount you earn for the year is more than \$125,000 (or \$250,000 for married couples filing a joint federal income tax return), all or part of the premium assistance may be recaptured by an increase in your income tax liability for the year. If you have continuation coverage, but wish to avoid this recapture, you may delay electing or permanently waive the premium assistance and pay the entire premium. If you exercised a permanent waiver, it cannot be withdrawn even if your income falls below these levels. For more information on the income tax recapture, consult your tax preparer or contact the IRS at [www.irs.gov](http://www.irs.gov). If you exercised any delay or waiver of the premium assistance, answer YES and attach copies of any relevant documentation that you have.

**Information on the plan sponsor/employer, insurance company, and/or plan administrator** Refer to the notice you received to find the information to use for this application. Attach a copy of the notice to your application.

**Other Information** Please provide what you were told about the reason(s) you were denied continuation coverage and/or the premium assistance as well as any other information you believe is important for the CMS to know in order to evaluate your application.

**Attachments** Since our review cannot begin until we receive a complete application, please attach copies of documentation that you believe would assist us in making a determination. Such documentation could include copies of one or more of the following items, if applicable: your election notice, your Request for

Treatment as an Assistance Eligible Individual or other form used to request the premium assistance, your insurance card, payroll stubs showing deductions for health benefits, any documents detailing the date and circumstances of the termination of the employee's employment, or any documentation you were provided regarding the denial of the premium assistance.



<b>Eligibility:</b> Please see instructions for assistance in answering the questions below.	Yes	No	Unsure or N/A
*1. Were you covered by the employer's group health plan on the day before the employee was terminated? If this is being answered for a new dependent (or dependents) born to, adopted by, or placed for adoption with the employee, refer to the instructions to answer the question for the new dependent.			
*2. Was your or your family member's employment terminated in the period from September 1, 2008 through December 31, 2009?			
*3. Is there an ongoing health plan? Are employees who currently work where you or your family member used to work still covered by health insurance that the employer--or another company--provides? (Or is there another employer (such as a parent company) which may be responsible for providing continuation coverage to you?)			
*4. Are you eligible for continuation coverage because of the loss of your job or your family member's job? If so, answer YES. If you are eligible for continuation coverage because of divorce, legal separation, entitlement to Medicare, loss of dependent status, or death of the covered employee, answer NO.			

**PLEASE NOTE:** If you answered NO to any of the Questions above (1-4) you may not be eligible for continuation coverage premium assistance. If you have questions about the requirements for premium assistance, or otherwise need assistance completing this application, please contact MAXIMUS Federal Services toll-free at (866) 400-6689.

	Yes	No	Unsure or N/A
*5. Was the employee's job termination involuntary?			
	Yes	No	Unsure or N/A
a. Was it a permanent layoff?			
b. Was it a temporary layoff with possible recall?			
c. Was it a buyout or severance package in anticipation of a layoff?			
d. Did the employee resign as a result of a major change in the geographic location of employment?			
e. Did the employee's employment end while the employee was absent due to illness or disability?			
f. Other reason the employment was terminated? – Check "Yes" and please describe in the <b>Other Information</b> box at the end of the application.			
For more information that may help you to answer these questions, see pages 7 - 11 of the IRS Notice 2009-27 at <a href="http://www.irs.gov/pub/irs-drop/n-09-27.pdf">www.irs.gov/pub/irs-drop/n-09-27.pdf</a> .			
*6. Did you or your family member work for the Federal government, a State or local government, or a church?			
*7. Did your former employer or your family member's former employer have 20 or more employees in the calendar year prior to the year in which			

you or your family member was terminated?			
*8. Regarding continuation coverage:			
a. Did you get a notice informing you of your right to elect continuation coverage?			
b. Did you send in a form requesting, or electing, coverage?			
c. Were you denied continuation coverage? If yes, explain the reason in the <b>Other Information</b> box at the end of the application. Attach copies of all relevant documents.			
d. If you received continuation coverage, what date did it start?			
Month/day/year:			
e. If you received continuation coverage, what date did it end?			
Month/day/year:			
Explain the reason your continuation coverage ended in the <b>Other Information</b> box at the end of the application. Attach copies of all relevant documents.			
*9. Regarding the COBRA premium assistance:			
a. Did you get a notice informing you that you may be eligible for premium assistance?			
b. Did you apply for the premium assistance? (For instance call, write, or e-mail the employer or its group health plan or send in the form called Request for Treatment as an Assistant Eligible Individual.)			
c. Were you denied the premium assistance? If yes, explain the reason in the <b>Other Information</b> box at the end of the application below. Attach copies of all relevant documents.			
*10. At any time after you or your family member lost his or her job were you (or any dependents) eligible to receive health insurance coverage under any other group health plan (such as a plan sponsored by a later employer or a spouse's employer) or Medicare? If yes, please note the date you (or any dependents) became eligible for the other coverage.			
*11. Did you sign any form saying you don't want the premium assistance? (In other words, did you exercise any waivers of your right to the premium assistance?)			
<b>Plan Sponsor Information:</b> Please enter the following information about the employer or union that sponsors the group health plan as completely as possible and attach any supporting documentation you have. Note: This information may be found on the continuation coverage notice you received.			
*Name of Employer/Union			

Best Person at Employer/Union to Contact:			Mr.	Mrs.	Ms.												
Last				First								Middle Initial					
*Street Address																	
*City										State			Zip code				
*Phone number:												Fax number:					
Employer or Union's E-mail Address:																	
Employer or Union's website address:																	
Employer or Union's "Employer Identification Number" (EIN): (This number can often be found on your W2 or in your Summary Plan Description (SPD)):																	
If another company such as a <b>parent company or a company that recently bought the employer</b> , may be responsible for providing continuation coverage, please provide as much information about that company and its connection to the employer as possible. (Attach an additional sheet, if needed)																	
Parent Company or Purchaser's Name																	
Best Person at Parent Co./Purchaser or Union to Contact:			Mr.	Mrs.	Ms.												
Last				First								Middle Initial					
Street Address																	
City										State			Zip code				
Phone number:												Fax number:					
Parent Co./Purchaser's or Union's E-mail Address:																	

Parent Co./Purchaser's or Union's web site address:

**Insurance or Plan Administrator Information:** If applicable, please enter the following information about the insurance company or plan administrator that administers benefits for your employer's group health plan as completely as possible and attach any supporting documentation you have.

\*Name of Plan (ex. ABC Insurance Co PPO, Company Group Plan)

Name of Insurer or Plan Administrator:

Best Person to Contact:      Mr.      Mrs.      Ms.

Last      First      Middle Initial

Street Address

City      State      Zip code

Phone number:

Fax number:

Group Number of Insurance/Plan:

Applicant's Plan ID number:

**Other information:** It would be helpful if you could provide as much information as possible about your situation. If you have not already done so in response to earlier questions in this application, please provide information about any of the following:

- What you were told about the reason(s) you were denied continuation coverage and/or the premium assistance;
- Why you think you were denied either;
- Who, if anyone, told you or your family member that you or s/he had lost the job and what that person said;
- Any other people who were around when you or your family member learned about the job loss; and
- Any other information you believe is important for the Centers for Medicare & Medicaid Services to know in order to evaluate your application. Such information may include one or more of the following documents: your COBRA election notice, your Request for Treatment as an Assistance Eligible Individual or other paper used to request the premium assistance, your insurance card, payroll stubs showing deductions for health benefits, any documents detailing the date and circumstances of the termination of the employee's employment, or any documentation you were provided regarding the denial of the premium assistance. Please do not send in originals or your only copy.

I declare that I have examined this application, including any accompanying attachments, and to the best of my knowledge and belief, it is true, correct and complete. I hereby authorize the release of the information contained in and attached to this application, as well as any additional oral or written information that may be collected in connection with this review process, to any other parties to this review, including the health plan and my or my family member's former employer. I further authorize the individuals involved in processing this review to discuss with other individuals such information as they may deem necessary in resolving this review.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Type or print name: \_\_\_\_\_

**Privacy Act Notice**

The Privacy Act of 1974 requires that when we ask you for information we tell you our legal right to ask for the information, why we are asking you for it, and how it will be used. We must also tell you what could happen if we do not receive it and whether your response is voluntary, required to obtain a benefit, or mandatory. Our legal right to ask for the information is section 3001(a)(5) of the American Recovery and Reinvestment Act of 2009 (ARRA). We are asking for this information to comply with the provisions of ARRA and to enable the Secretary of Health and Human Services to make a determination on your application for the Secretary's expedited review of the denial of your request for treatment as an assistance eligible individual. If you do not provide the requested information, you will not be eligible for such review. We do not sell the information that we collect. The personal information that you give us will be used only in connection with the Secretary's expedited review of the denial of your request for treatment as an assistance eligible individual.

We use contractors to perform various website and database functions. When we do, we make sure that the agreement language with the contractor ensures the security, confidentiality and integrity of any personal information to which the contractor may have access in the course of contract performance.

While online filing is secure, electronic mail is not secure. Therefore, we suggest that you don't send personal information to us by email. We will only send general information to you by email.

We may disclose the information you give us if authorized or required by Federal law, such as the Privacy Act. We may also disclose this information to the other parties to this review, including your health plan and, in many cases, to the employee's former employer, as well as to the courts as a part of the record on any appeal. You may have access to any of the information we collect about you. Also, if you provide false or fraudulent information, you may be subject to criminal prosecution. See section 1027, Title 18, U.S. Code (False statements and concealment of facts in relation to documents required by ERISA) and section 1001, Title 18, U.S. Code (Fraud and False Statements - Statements or entries generally). Other penalties may also apply.

**Paperwork Reduction Act Statement**

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. Public reporting burden for this collection of

information is estimated to average one (1) hour per response, including time for reviewing instructions, gathering the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is required to obtain or retain benefit (*see* section 3001(a)(5) of the American Recovery and Reinvestment Act, P.L. 111-5). Please send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Health and Human Services, Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Attn: PRA Reports Clearance Officer, Mail Stop C4-26-05, Baltimore, Maryland 21244-1850 and reference the OMB Control Number. **Note:** Please do not return the completed application to this address.