

OPTIONAL ATTESTATION SERVICES:

An individual that is eligible for other group health plan coverage or eligible for Medicare, is not eligible for the COBRA premium assistance. This information will be communicated to the potentially eligible individuals. In addition, an individual covered under COBRA that receives the benefit of the COBRA premium subsidy (i.e., has COBRA paid for it), is required to let the plan know if/when the individual becomes eligible for other group health plan coverage or eligible for Medicare because that makes the individual ineligible for further COBRA premium assistance. Failure to notify the plan triggers a penalty to the individual. This information will also be communicated to the potentially eligible individuals.

Although the model forms made available by the Department of Labor to assist employers and plans with implementing the opportunity to elect COBRA and receive COBRA premium assistance include a specific form entitled “Request to be treated as an assistance eligible individual”, Clarity is not using this form. Clarity is also not requiring another type of affirmative attestation form be submitted. Rather, Clarity is providing good communication regarding the eligibility requirements and relying upon the individual to properly evaluate his or her situation and elect COBRA and the COBRA premium subsidy accordingly. In other words, Clarity is handling an individual’s initial qualification for the COBRA premium subsidy in the same way it is handling the individual’s subsequent loss of eligibility for the COBRA premium subsidy – relying on the individual. It is important to note that the model forms are not required to be used and the statute does not require the use of an affirmative attestation form be submitted as a pre-requisite to qualifying for the premium subsidy.

If you prefer to obtain an attestation from your Qualified Beneficiaries, Clarity will send, on your behalf, a “Request for Treatment as an Assistance Eligible Individual” form with the Second Election Notice (lookback period participants) as well as the Specific Rights Notice with AEI General Notification (newly eligible Qualified Beneficiaries). QBs will then be required to return the completed Attestation and Election forms in order for the subsidy to be applied. Any QB that does not return both the Attestation *and Election* forms shall not receive the COBRA subsidy. You will be notified of any QBs who do not return the required forms.

Clarity will charge \$7.50 per AEI eligible individual for this additional service.

Please click the Opt-in box on within our submission page to indicate that you would like Clarity to require individuals attest to their eligibility for the subsidy by Wednesday, May 12, 2021.