

COBRA and State Continuation Coverage

The Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985 applied laws at a Federal Level that required group health plans to offer COBRA continuation coverage to participants, whose employer has more than 20 full time employees, in the event of a qualified termination. Many states have added to the Federal legislation and have created “mini-COBRA” laws at the state level.

While these state laws are subject to change we have outlined the states that have created these “mini-COBRA” laws and have provided a brief synopsis of each state’s law. It is always advisable to call your State’s Department of Insurance for the specific rules of their state coverage.

Supporting Links

- ▶ <http://www.dol.gov/>
- ▶ http://cobrahealthinsurance.com/Resource/Mini_Cobra_Health_Insurance_laws.html
- ▶ http://www.healthinsurancefinders.com/cr_cobra_state.html

State	Description
Arkansas	Arkansas Code of 1987 - Title 23, Chapter 86 (Section 23-86-114, 23-86-115, 23-86-116) states that employer groups of less than 20 employees must provide continuation of benefits to individuals and qualified dependents that have been insured under the policy for at least 3 months prior to date of termination. Continuation of coverage is limited to 120 days and must be requested by individual within 10 days after termination of employment.
California	California Insurance Code Section 10128.50 - 10128.59 known as the California Continuation Benefits Replacement Act (Cal-Cobra) states that employees and covered dependents on employer group plans with 2-19 employees are entitled to continuation of benefits for a period not to exceed 36 months. Individuals not eligible for Cal-Cobra include those that are eligible for Medicare or have other medical insurance.
Colorado	Colorado Revised Statute 10-16-108 states that employees insured under any group health insurance policy are entitled to 18 months of continued coverage or until eligible for insurance under a new group plan. Individuals or their dependents must have 6 months of continuous coverage under the group policy to be eligible and have 30 days from termination date to accept coverage under Colorado continuation laws.
Connecticut	House Bill 6266, Public Act 97-268 , Connecticut Continuation of Health Benefits provides disabled individuals 12 months of continuation of coverage under the group plan free of charge and may continue coverage at their own expense for a period of 29 months. Employees of groups with less than 20 employees are afforded the same rights as those qualified for federal COBRA benefits. Premium rate may not exceed 102% of the rate charged to employer for individuals of similar rating classification.
District of Columbia	Continuation of coverage on a group health plan for those not eligible for federal COBRA is limited to 3 months. The intent is to provide those individuals losing coverage under a group health plan to have the time to find other employment or health insurance options without being uninsured.
Florida	Insurance Chapter 627.6692 - Florida Health Insurance Coverage Continuation Act mirrors the federal COBRA laws, providing 18 months of continuation coverage under the group’s policy for employees of companies with less than 20 employees. Disabled persons may continue coverage up to 29 months. COBRA acceptance and payments must be arranged directly with the insurance company, not the employer and rates may not exceed 115% of the rate charged to the employer. Individuals have 30 days from the date of termination to accept continuation coverage through the insurance company.
Georgia	Georgia Official Code Title 33, Chapter 24, Sections 33-24-21.1 and 33-24-21.2 requires that employer's with less than 20 employees must continue a terminated employee's coverage through the end of the month of date of termination, plus an additional 3 months thereafter. This applies to any employee that has had at least 6 months of coverage under the group plan and excludes employees that were terminated due to misconduct. Extension of benefits must be offered to individuals over the age of 60.
Illinois	In the Illinois Continuation Law , all employer groups offering health insurance to employees not qualified for federal COBRA must offer continuation of coverage for a period of 9 months. Certain qualified individuals may be eligible for up to 24 months of continuation coverage. Only individuals that have been insured under the group's medical insurance policy for 3 months are eligible for Illinois mini-Cobra and acceptance must be given with 10 days of the notification date.

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Iowa	Iowa Insurance Code Section 509B.3 , offers 9 months of continuation coverage. The election period is 30 days following the termination date of employment and any individual that is eligible for coverage under a different group health insurance policy is not eligible.
Kansas	Kansas Continuation Law, K.S.A 40-2209 extends the same federal COBRA laws of 18 months of extended coverage to employer groups under 20, with the following exceptions: 1) the burden of continuation is placed on the insurance company, 2) applies to terminated group policies, 3) exempts new carriers when the employer switches insurance plans, 4) premium rates are limited to 100% of the amount charged to the employer and are paid directly to the insurance company.
Kentucky	Kentucky Subtitle 18 - Group and Blanket Health Insurance requires employer groups of any size to offer 18 months of continuation coverage to eligible employees that are terminated from the group coverage as long as they have been insured under that plan for 3 months prior to the date of termination. Election to accept continuation coverage must be made within 31 days. Qualified disabled persons may extend coverage for an additional 12 months.
Louisiana	Louisiana RS 22.215.13 - Group Health Insurance Continuation law provides continuation of group benefit rights for a period of 12 months for any individual that has been covered under an employer's health plan for 3 months. This applies to employer groups of any size. Request to continue coverage must be made within 31 days of the date of termination of employment.
Maine	Statute 24-A , Chapter 36 of the Maine Continuity of Health Insurance Coverage regulations provides 18 months of mini-Cobra coverage to eligible individuals that elect this option within 31 days. An administrative fee of 2% of the premium amount is added to the amount paid by the employer, and any individual acceptance continuation of coverage is fully responsible for the paying the premium.
Maryland	Title 31 of the Maryland Insurance Administration , Chapter 4 addresses Continuation of Coverage for Terminated Employees. This law is similar to federal COBRA in that it allows for terminated employees to remain insured under the employer's group health insurance for a period of 18 months following the termination of full-time employment. The election period is 45 days.
Massachusetts	Chapter 176, Section 9 of 22 - Small Group Health Insurance/Continuation of Coverage allows for 18 months of continued coverage under the employer's group plan for any individual that has been insured under the group's policy for at least 39 weeks. If prior coverage was less than 39 weeks, continuation rights must equal the length of time that individual was insured under the group plan.
Mississippi	Insurance Code 83-9-51 of 1972 requires small employers (less than 20 employees) to allow terminated employees to remain covered under the group insurance plan for a period of 12 months, following a 3 month waiting period.
Missouri	Chapter 376, Section 376.428 Missouri Revised Statutes requires employers with less than 20 employees to offer COBRA for 9 months as long as they were insured under the group plan for at least 3 months. Coverage can be cancelled for failure to make timely payment of premium.
Nebraska	Mini-COBRA laws in Nebraska states that an employer with 2-19 employees is obligated to offer COBRA to terminating employees for a period of 9 months.
Nevada	Chapter 689B requires employers with 2-19 employees to offer COBRA for 18 months.
New Hampshire	Chapter 415 of the New Hampshire Title 37 requires employers with 2-19 employees to offer COBRA for 18 months. Certain qualified individuals may qualify for an additional 18 months of coverage.
New Jersey	Reg Chapter 17B, Section 27-60 requires group health plans with 2-19 employees shall offer 18 of continuation coverage to employees of any size group, while extending this period to 36 months for dependents of deceased employees and 29 months for the disabled. A premium as high as 102% of the premium paid by the employer can be charged to the ex-employee electing COBRA coverage.
New Mexico	Title 13, Chapter 10, Part 11.31 states that persons insured under a group plan with 2-19 employees can qualify for 6 months of continuation coverage.
New York	Article 32 of the New York Insurance Regulation require employers with less than 20 employees to offer 18 months of continuation coverage. Notice of continuation rights must be sent by employer with 5 days following the date of termination.
North Carolina:	Article 53 of Chapter 58 of North Carolina General Statutes require employers with 2-19 employees on a group plan to offer continuation coverage for 18 months. Notification of election to enroll must be made within 60 days.
North Dakota	If your employer has less than 20 employees, they will fall under North Dakota state continuation law. Under this state law, a person leaving a group health plan can qualify for up to 39 weeks of continuation coverage
Ohio	Continuation of coverage under Ohio state COBRA laws applies to employers with less than 20 employees. To qualify for COBRA, a person must have been on the group plan for at least 3 months and must have not voluntarily have terminated their employment. Coverage is only available for 6 months and only required to cover major medical expenses.
Oklahoma	Oklahoma Statute Title 36, Chapter 1, Article 45 states that plans with 2-19 employees can qualify for 6 months of guaranteed continuation.
Oregon	Any employer with 19 or fewer employees must abide by Oregon's continuation-of-coverage policy that calls for a 6 month continuation of coverage under the group health plan.

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Rhode Island	Mini-COBRA laws in Rhode Island states that an employer with 2-19 employees is obligated to offer COBRA to terminating employees for a period of 18 months.
South Carolina	Persons insured under an employer's health plan with 2-19 employees can elect to stay on the group plan for 6 months, according to South Carolina continuation of coverage regulations.
South Dakota	Chapter 18C of Title 58 - Continuation and Conversion of Health Care Persons insured through a group health insurance policy that has 2-19 employees can opt to stay on the group plan for 12 months to any individual that has been insured under the group policy for at least 6 months.
Tennessee	Chapter 7 of Title 56 - Tennessee Cobra Regulations guarantee continuation of coverage be offered to terminated employees by employers with 2-19 employees to offer COBRA for a period not greater than 3 months. Request for continuation of coverage must be given within 31 days.
Texas	Any employer with 19 or fewer employees must abide by Texas continuation-of-coverage policy that calls for a 6 month continuation of coverage under the group health plan. For qualified Texas residents that have been covered under federal COBRA, they may be entitled to an additional 6 months of coverage under mini-Cobra after the termination of their 18 months of federal COBRA.
Utah	Mini-COBRA laws in Utah require that an employer with 2-19 employees must offer COBRA to employees that are leaving the group health plan. The coverage may continue for a period of 6 months.
Vermont	Chapter 107 of Title 8 states that employees of employers with 2-19 employees can qualify for 6 months of continuation coverage. Individuals must have a minimum of 3 months of prior coverage under the group plan in order to be eligible and have 60 days to make this election.
West Virginia:	Article 16 of Chapter 33 of the West Virginia Insurance Codes requires that persons insured under an employer's health plan with 2-19 employees can elect to stay on the group plan for 18 months.
Wisconsin	Reg 632.897 Wisconsin Continuation Law applies to persons that were insured under a group health plan with fewer than 20 employees, they may qualify for continuation of coverage privileges up to 18 months from the termination date of their coverage.
Wyoming	Any employer with 2-19 employees must abide by Wyoming continuation-of-coverage policies that require 12 months continuation of coverage.