



June 25, 2023

Chlora Lindley-Myers
National Association of Insurance Commissioners
444 North Capitol Street NW, Suite 700
Washington, D.C. 20001

Dear Ms. Lindley-Myers:

Thank you for your letter providing your perspective on the issue of transitioning to coverage under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) while eligible for Medicare. The Department agrees that it is important to ensure that workers, retirees and their families receive critical information about the interaction of COBRA and Medicare so that they can make informed decisions about their health coverage. As you know, the Department of Labor has provided guidance and model notices to ensure that plan administrators provide notice to plan participants and beneficiaries of their rights under COBRA and their rights to elect COBRA continuation coverage. In 2020, as a response to concerns about understanding the interaction between COBRA and Medicare, we issued revised model notices with additional information to help Medicare-eligible individuals make key decisions about healthcare coverage. These model notices are available at <https://www.dol.gov/agencies/ebsa/laws-and-regulations/laws/cobra#employers>.

We appreciate hearing from you on this important issue. Input from our partners and stakeholders is an important consideration as we continue to evaluate ways to inform and support the workers, retirees and their families navigating these systems. We will consider the recommendations provided in your letter as we continue this work.

Thank you again for your letter and for taking time to share your recommendations.

Sincerely,

Lisa M. Gomez
Assistant Secretary