

COBRA Notices Are Required When Employees ELECT Health Insurance: Not Just At Termination

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Did you know that you must provide your employees with information about COBRA benefits at the time that employees ELECT health insurance coverage, not just when the employment relationship is ending? Employees and their spouses who elect health insurance should receive a “General COBRA Notice” upon electing to enroll in an employer’s health insurance benefits.

The General Notice must be provided to covered employees and their spouses (and in certain cases adult dependents) within 90 days from the date that the employee or spouse becomes covered under the plan. Although employers can send a single notice to family members residing at the same address, hand-delivery to the employee at work isn't considered sufficient notice for the spouse or other family members.

The COBRA General Notice/New Hire Notice, outlines the Qualifying Events under which a Qualified Beneficiary (employee, spouse or dependent) could lose coverage and the **Qualified Beneficiary's obligations** regarding the same.

The General Notice must include:

- Name of the plan and contact information;
- General description of the plan’s COBRA provisions, including events that would disqualify the Qualified Beneficiaries from coverage;
- Explanation of the Qualified Beneficiaries’ responsibility under COBRA for notifying the plan administrator of a qualifying event;
- Information regarding the importance to keep updated contact information for Qualified Beneficiaries on record with the plan administrator; and
- Specific language that more information regarding your COBRA rights can be found in the Summary Plan Documents.

For reference, the Model General Notice of COBRA Continuation Coverage Rights is available [here](#).

If an employer does not provide this information to the Qualified Beneficiaries, and an event that disqualifies the Qualified Beneficiary from coverage occurs and the Qualified Beneficiary does not notify the employer and health insurance provider, the health insurance company may be in position to deny coverage and hold the employer responsible for the Qualified Beneficiary’s medical bills!

Takeaway: Ensure your employees (and their spouse and adult dependents) receive a New Hire COBRA Notice! If you have questions about your company’s COBRA compliance, please contact the [Wilentz Employment Law Team](#).

Attorney

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