

# COVID-19 Plan Amendments Guide

Understand the amendments & download the ones you need

“Each amendment includes: 1) a plan amendment, 2) a resolution, and 3) a summary of material modifications. Employers adopting these amendments must complete the first page, execute the resolution (depending on the employers formalities), and distribute the last page (the summary of materials modifications) to all plan participants. Employers adopting any amendments must return an executed copy of the amendment to ASi by emailing it to [clientservices@asibenefits.com](mailto:clientservices@asibenefits.com).

Amendment description	Guidance	*Download Amendments	Effective	Temporary or permanent?	Required or optional?	Retroactive?	Why or why not adopt?
Change in Status for Employer Sponsored Health Coverage (GHP)	<a href="#">IRS Notice 2020-29</a>	<a href="#">DOWNLOAD PLAN AMENDMENT</a>	Effective for periods on or after January 1, 2020	Temporary for 2020	Employers can choose to adopt or not adopt.	Yes, can apply retroactively to January 1, 2020.	Plans may see adverse selection. If the employer wants to allow changes to elections absent a change in status event, it may want to adopt.
Change in Status for Health Care and Dependent Care FSA	<a href="#">IRS Notice 2020-29</a>	<a href="#">DOWNLOAD PLAN AMENDMENT</a>	Effective for periods on or after January 1, 2020	Temporary for 2020	Employers can choose to adopt or not adopt.	Yes, can apply retroactively to January 1, 2020.	Plans may see adverse selection. However plans with a high amount of unused funds may adopt to reduce employee forfeitures. Employees may not reduce their elections below the amount already reimbursed.
Continuation of Grace Period for 2020 Calendar Year for claims incurred through December 31, 2020	<a href="#">IRS Notice 2020-29</a>	<a href="#">DOWNLOAD PLAN AMENDMENT</a>	Applies to plans with GP or PY ending in 2020. Plans with GP and plans with CO may adopt.	Temporary for 2020	Employers can choose to adopt or not adopt. If the employer wants to extend the 2.5 month grace period to apply to all of 2020 then they must amend their plan.	Yes, can apply retroactively to January 1, 2020.	If adopted could affect employees ability to make or receive HSA contributions for the duration of 2020 if the EE has an FSA balance after the PY ends.
Carryover Increase for PY starting in 2020 up to \$550 and indexing ongoing	<a href="#">IRS Notice 2020-33</a>	<a href="#">DOWNLOAD PLAN AMENDMENT</a>	Applies to PY beginning on or after January 1, 2020	Permanent	Employers can choose to adopt or not adopt if they want the carryover increased and indexed.	Yes, can apply retroactively to January 1, 2020.	Recommended for Healthcare FSA plans with carryover and those without.
Over-the-Counter ("OTC") permitted w/o RX and Menstrual Care as reimburseable	<a href="#">Section 3702 of the CARES Act</a>	<a href="#">DOWNLOAD PLAN AMENDMENT</a>	PY beginning on or after January 1, 2020	Permanent	Employers are required to adopt to ensure Plan Document and Summary Plan description accurately reflect this change in the law.	Yes, can apply retroactively to January 1, 2020.	Change in law, thus changes will be implemented regardless of plan amendment. Amendment serves to ensure PD/SPD conforms to new law and appropriate communications are provided to participants.
Health FSA Claims Run-Out and Appeals Extension to after the "Outbreak Period"	<a href="#">29 CFR Parts 2560 and 2590</a>	<a href="#">DOWNLOAD PLAN AMENDMENT</a>	Effective as of the date of the amendment	Temporary based upon TBD end date of National Emergency	Employers are required to adopt to ensure Plan Document and Summary Plan description accurately reflect this change in the law.	Retroactive is not applicable. Should amend during the outbreak period and before the plan end date.	Change in law, thus changes will be implemented regardless of plan amendment. Amendment serves to ensure PD/SPD conforms to new law and appropriate communications are provided to participants.
Health Reimbursement Arrangement ("HRA") Claims Run-Out and Appeals Extension to after the "Outbreak Period"	<a href="#">29 CFR Parts 2560 and 2590</a>	<a href="#">DOWNLOAD PLAN AMENDMENT</a>	Effective as of the date of the amendment	Temporary based upon TBD end date of National Emergency	Employers are required to adopt to ensure Plan Document and Summary Plan description accurately reflect this change in the law.	Retroactive is not applicable. Should amend during the outbreak period and before the plan end date.	Change in law, thus changes will be implemented regardless of plan amendment. Amendment serves to ensure PD/SPD conforms to new law and appropriate communications are provided to participants.
COBRA Election and Payment deadlines Extended to after the "Outbreak Period"	<a href="#">29 CFR Parts 2560 and 2590</a>	<a href="#">DOWNLOAD PLAN AMENDMENT</a>	Effective as of the date of the amendment	Temporary based upon TBD end date of National Emergency	Employers should (but are not required) adopt to ensure Plan Document and Summary Plan description accurately reflect this change in the law.	Retroactive is not applicable. Should amend during the outbreak period and before the plan end date.	Change in law, thus changes will be implemented regardless of plan amendment. Amendment serves to ensure PD/SPD conforms to new law and appropriate communications are provided to participants.
Medical Expense Reimbursement Plan ("MERP") Claims Run-Out and Appeals Extension to after the "Outbreak Period"	<a href="#">29 CFR Parts 2560 and 2590</a>	<a href="#">DOWNLOAD PLAN AMENDMENT</a>	Effective as of the date of the amendment	Temporary based upon TBD end date of National Emergency	Employers are required to adopt to ensure Plan Document and Summary Plan description accurately reflect this change in the law.	Retroactive is not applicable. Should amend during the outbreak period and before the plan end date.	Change in law, thus changes will be implemented regardless of plan amendment. Amendment serves to ensure PD/SPD conforms to new law and appropriate communications are provided to participants.