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Are the Disability Claims Procedure Regulations Final?

The answer is most likely. In a prior post we discussed that on October 12th the Department of Labor provided for a 90-day delay to April 1, 2018. Since that time the Department of Labor reviewed whether the new regulations created any undue burdens on plan sponsors. In a notice published in today's Federal Register, the Department of Labor officially stated the new claims procedures apply for claims filed after April 1, 2018. The DOL also indicated that it is still considering changes to the final regulations, but likely no further changes will be forthcoming. On a related note, we are also aware that many large disability claim administrators will adopt the new claims procedures effective January 1, 2018 (the prior effective date of the new regulations). Plan sponsors should contact their disability administrators to determine when the administrator will start complying with the new regulations, so that plan sponsors can update their plan documents and summary plan descriptions timely and correctly.