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Subject: 90-Day Waiting Period - Comments
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A number of multiemployer health plans in the construction industry implement eligibility provisions that require works hours in one quarter to pay for coverage in another, with a lag month involved.

For example, a plan would provide that May, June and July coverage is dependent upon the participant having 375 hours in contributions for the months of January, February and March. August coverage then would be based upon whether there were 375 hours in contributions for the months of April, May and June, and so on.

Often these plans may also have additional extended look back periods to allow a participant to establish coverage under the Plan. For example, if the participant did not have 375 hours in January, February and March for May, June and July coverage, he could still be eligible if he had 1,500 hours in the one-year period starting the previous April through March.

Would these sorts of eligibility provisions, again common in construction trade multiemployer health plans, run afoul of the 90-day waiting period rule.

Please advise if you need any further information.

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