

Benefits Administration Letter

Number: 18-203

Date: September 20, 2018

Subject: Federal Employees Health Benefits Program and Federal Employees Dental and Vision Insurance Program: Expiration of Coverage of Children of Same-Sex Domestic Partners

Background

Effective January 1, 2014, the Office of Personnel Management (OPM) published a final rule that allowed children of same-sex domestic partners living in states that did not allow same-sex couples to marry to be covered family members under the FEHB and the FEDVIP.

Subsequently, as the result of the Supreme Court's decision in *Obergefell v. Hodges* legalizing same sex marriage in all states, OPM published an interim final regulation on December 2, 2016 that created a regulatory exception that allowed only children of same-sex domestic partners living overseas to maintain their FEHB and FEDVIP coverage. However, as the regulation provides, this exception is only available until September 30, 2018.

Required Action

If an exception has been granted for your agency, please ensure that notice is provided to the parents of minor children and the adult children of domestic partners living overseas that will become ineligible for FEHB coverage on September 30, 2018. The notice should include that the child's coverage is ending and the child is eligible for a 31-day extension of coverage, the right to convert to an individual contract offered by the carrier or Temporary Continuation of Coverage (TCC) with the child's carrier for up to 36 months from the date the child loses eligibility under the FEHB Program.

There is no extension of coverage or right to convert to an individual policy or TCC when FEDVIP coverage stops or when a family member loses eligibility under the FEDVIP Program. Please have FEDVIP enrollees contact BENEFEDS to make any required enrollment adjustments.

After September 30, 2018, agencies must ensure that no children of same-sex domestic partners are covered under the FEHB Program.

Please contact Michael W. Kaszynski, Senior Policy Analyst, at Michael.Kaszynski@OPM.gov with any questions. Thank you for your prompt attention to this matter.

Sincerely,

Alan P. Spielman
Director
Healthcare and Insurance