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# FEHB Program Carrier Letter

## All FEHB Carriers

U.S. Office of Personnel Management  
Healthcare and Insurance

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**Letter No. 2014-23**

**Date: October 2, 2014**

Fee-for-Service [19]    Experience-rated HMO [19]    Community-rated [21]

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### **SUBJECT: Coverage of Children of Same-Sex Domestic Partners under the FEHB Program**

On October 30, 2013, the Office of Personnel Management (OPM) released final regulations to extend Federal Employees Health Benefits (FEHB) Program and Federal Employees Dental and Vision Insurance Program (FEDVIP) eligibility to children of same-sex domestic partners of Federal employees and annuitants who would marry their partners but live in states that do not allow same-sex couples to marry. For purposes of this document, these children will be referred to as either a “newly eligible stepchild” or as “newly eligible stepchildren”. These regulations took effect on January 1, 2014.

The purpose of this letter is to provide carriers with information on what to expect from payroll offices in regards to newly eligible stepchildren and the scenarios in which a new enrollment or change may occur.

#### **Eligibility Depends on Availability of Same-Sex Marriage in State of Residence**

Under the final regulation, enrollees must certify that they are in a domestic partnership (under the criteria listed by OPM in the regulation) and would marry their partners but live in states that do not allow same-sex couples to marry. Attachment 1 is a list of states that authorize same-sex marriage. It will also be posted on OPM’s website and will be updated as needed. An employee or annuitant wishing to cover the child of his or her same-sex domestic partner as a result of this regulatory change may only do so if he or she does not live in one of the states that authorizes same-sex marriage. Enrollees living in states that authorize same-sex marriage who wish to cover the child of their same-sex domestic partner on their FEHB enrollment must be legally married to their same-sex domestic partner (i.e., the child’s other parent).

#### **Notifications from Employing Office or Retirement Office**

All children of same-sex domestic partners must be approved by the enrollee’s employing office or retirement office. Plans will receive a Standard Form (SF) 2809 for enrollees who wish to cover these stepchildren from their employing office or retirement office. Enrollees calling or writing to add the child of a same-sex domestic partner to an existing Self and Family enrollment or who need to make an enrollment change from Self Only to Self and Family must be referred to their employing office or retirement office in order to have the child added to an existing Self and Family enrollment or to have an enrollment change from Self Only to Self and Family authorized.

Please note that employees may enroll, change enrollment, or add eligible children to an existing Self and Family enrollment due to a Qualifying Life Event (QLE) in the FEHB Program. Annuitants may change enrollment or add eligible children to an existing Self and Family enrollment due to a QLE in the FEHB Program. The information that is included on the SF 2809 will inform the carrier of a new enrollment, enrollment change, or any change in family members made to an existing Self and Family enrollment.

There are four scenarios related to this regulation under which carriers need to accept SF 2809s. The following is a brief description of each scenario and how carriers will receive notification of the change.

**1) If the enrollee has a Self and Family Enrollment and wishes to add a child of a same-sex domestic partner as a stepchild**

- The employing office or retirement office will notify the FEHB plan of the newly eligible stepchild by completing a paper SF 2809.
  - The SF 2809 will be **an information only form** and does not need an Event Code. Please note that this is a change from current practice and is necessary to identify tax dependents for payroll offices. Tax dependency information will be noted in the remarks section; carriers should disregard this information.
  - The employing office or retirement office will use a paper SF 2809 to communicate this change to the FEHB plan.
  - **Note:** This is also an opportunity for enrollees to change plans

**2) If the enrollee has a Self Only Enrollment and wishes to change to Self and Family to cover a child of a same-sex domestic partner as a stepchild**

- The employing office or retirement office will process the SF 2809 by sending it to the FEHB plan.
  - The enrollment change will be effective on the first day of the pay period in which the child becomes an eligible family member
  - **Note:** This is also an opportunity for enrollees to change plans

**3) If employee is not currently enrolled and wishes to enroll to cover a child of a same-sex domestic partner**

- The employing office will process the SF 2809 by sending the form to the payroll office and the FEHB plan
  - The enrollment will be effective on the first day of the pay period in which the child becomes an eligible family member.
  - **Note:** Annuitants who are not enrolled in the FEHB Program are not allowed to enroll.

**4) If the enrollee has a Self and Family Enrollment and is no longer covering the child of a same-sex domestic partner as a stepchild**

- **The information only paper** SF 2809 will be transmitted to the FEHB plan if the enrollee is removing a child from the Self and Family enrollment
  - The employing office or retirement office will indicate in the Remarks section—code B (# of children being dropped) for example, if the employee/annuitant is indicating one child who is being dropped will indicate B1, if the employee/annuitant is indicating 2 children who are being dropped the employing office retirement or office will indicate B2 in the Remarks section and so on.

If you have any questions regarding this Carrier Letter, please contact Marguerite Martel at (202)606-0004 or [Marguerite.Martel@opm.gov](mailto:Marguerite.Martel@opm.gov) or Meredyth Hindsley at (202)606-0589 or [Meredyth.Hindsley@opm.gov](mailto:Meredyth.Hindsley@opm.gov).

Sincerely,

John O'Brien

Director for Healthcare and Insurance