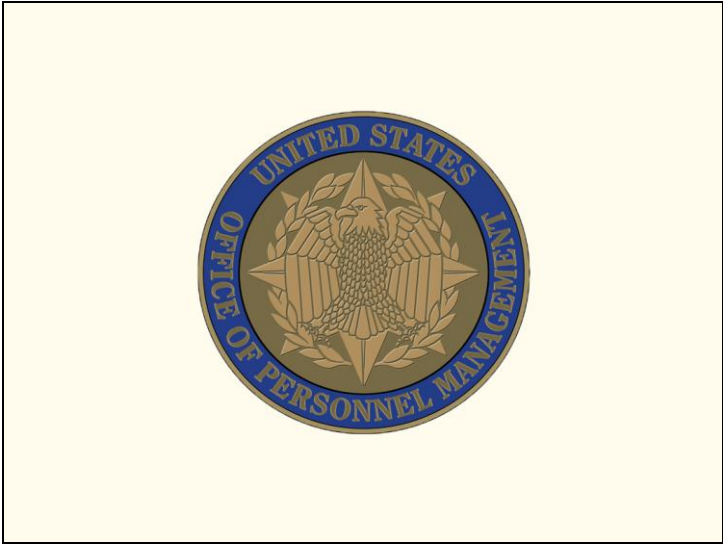


zSlide 1



Slide 2



This training module was developed and approved by the United States Office of Personnel Management (OPM), the Federal agency that administers the Federal Employees Health Benefits (FEHB) Program. The information in this module was last updated January 2012. This training module is not a legal document. The official FEHB Program provisions are contained in the relevant laws, regulations, and policies that govern it.

This module serves as an introduction for Tribal Benefits Officers regarding tribal employee eligibility requirements for purchasing coverage under the FEHB Program. The module explains employee eligibility, family member eligibility, and the responsibilities of the tribal employer to properly determine and document eligibility.

OPM uses the term “tribal employer” to refer to Indian tribes, tribal organizations, and urban Indian organizations. Tribal employers carrying out programs under the Indian Self-Determination and Education Assistance Act and urban Indian organizations carrying out programs under title V of the Indian Health Care Improvement Act are entitled to purchase coverage, rights, and benefits of the FEHB Program for their tribal employees.

☞To check for updates on FEHB for tribal employees, go to www.opm.gov/tribalprograms.

Slide 3



Agenda

- Tribal employee eligibility
- Family member eligibility
- Tribal employer responsibilities
- Test your knowledge

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These are the topics that are covered in this presentation:

Employee Eligibility – Slides 4-11

Family Member Eligibility – Slides 12-31

Tribal Employer Responsibility – Slides 32-35

Test Your Knowledge – Slides 36-60

Slide 4



In this section we will discuss the guidelines for determining tribal employee eligibility for enrollment in the FEHB Program.



Tribal Employee Eligibility

- All tribal employees are eligible based on common law standard
- This includes:
 - Full-time
 - Part-time
 - Seasonal (over 6 months)
 - Term

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Tribal employees who meet the definition of “common law” employees and meet FEHB requirements, as indicated in the laws and regulations, are eligible to enroll in the FEHB Program. The requirements will be discussed later in this presentation (slides 6-11).

According to the Internal Revenue Service (IRS), a common law employee is “anyone who performs services for you...***if you can control what will be done and how it will be done.*** This is so even when you give the employee freedom of action. What matters is that you have the right to control the details of how the services are performed.” This can be found at the IRS website at www.irs.gov/businesses/small/article/0,,id=179112,00.html. For more information on the common law standard, please refer to pages two through five of the following document located at www.irs.gov/pub/irs-utl/x-26-07.pdf.


Note that generally, an employer must withhold income taxes, withhold and pay Social Security and Medicare taxes, and pay unemployment tax on wages paid to an employee.

OPM will not make any determinations regarding common law employees. Tribal employers should consult their legal counsel if they have any questions regarding common law employees.

Tribal employees are only eligible for FEHB while they are employed; they are not eligible for coverage when they retire. Tribal members must be tribal employees in order to enroll in the FEHB Program.

Upon being hired, tribal employees in FEHB eligible positions are immediately eligible for coverage and have 60 days in which to select and enroll in a plan. If an eligible tribal employee

does not enroll in a plan within the 60 days, it is assumed he/she is electing to not participate in the FEHB Program.



Tribal Employer Contributions

Tribal employees who work:

- Full-time receive the standard tribal employer contribution
- Part-time (between 16-32 hours per week) may receive a pro-rated tribal employer contribution
- Less than 16 or more than 32 hours per week receive the standard tribal employer contribution

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Full-time tribal employees are eligible for the standard tribal employer premium contribution rate. Tribal employers must pay, at a minimum, for each tribal employee, the lesser of: 72% of the average total premium of all plans weighted by the number of enrollees in each, or 75% of the premium for a specific plan. **Tribal employers may choose to pay a larger portion of their employees' premiums up to one hundred percent.**

Part-time tribal employees who work between 16 and 32 hours in a regularly scheduled work week are eligible to purchase FEHB coverage and may receive a pro-rated tribal employer contribution. Whether to prorate the tribal employer contribution is at the tribal employer's discretion, however, similarly situated tribal employees must be treated the same. The tribal employer contribution for part-time employees is calculated with reference to the number of hours a full-time employee in the same position would work.

Employees working less than 16 and more than 32 hours in a regularly scheduled work week are eligible to enroll in the FEHB Program and receive the standard tribal employer contribution.

For additional information see Chapter 2, Cost of Insurance, of the *Tribal FEHB Handbook*.



Seasonal Tribal Employees

- Work on annual recurring basis for periods of less than 12 months
- Eligible for FEHB coverage only if expected to work for more than six months per year
- Eligible for tribal employer contribution
- Not eligible for FEHB coverage if expected to work less than six months per year

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Seasonal tribal employees, such as fire fighters and agricultural laborers, work on an annual recurring basis for periods of less than twelve months. These tribal employees are eligible for FEHB coverage only if they are expected to work for more than six months per year. Tribal employers are expected to provide the same premium contribution for seasonal tribal employees as they do for regular full or part-time tribal employees, depending on the number of hours scheduled.

Eligible seasonal tribal employees are eligible for FEHB coverage and the tribal employer is required to make the standard tribal employer contribution throughout the entire year.




Term Tribal Employees

- Appointment to position that will last more than one year but not more than four years and is of a project nature
- Eligible for FEHB immediately
- Eligible for tribal employer contribution

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Term tribal employees are appointed to complete or assist with a particular project. When the project is completed, employment will be terminated. As long as the appointment will last more than one year and, generally, less than four years the tribal employee is eligible for FEHB immediately and for the tribal employer contribution.



Employees Generally Excluded

- Temporary employees
- Seasonal employees (less than 6 months per year)
- Intermittent employees
- Employees paid on a contract or fee basis
- Employees paid on a piecework basis
- Noncitizens working outside U.S.

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The following types of positions are generally excluded from the FEHB Program.

Temporary employees are those employees whose positions are limited to one year or less. Please refer to the next slide for details.

Seasonal employees who are expected to work less than six months in a calendar year are not eligible for coverage.

Intermittent employees are those who work on a less than full-time basis. They do not have a pre-arranged regular work schedule and are not eligible for coverage.

Employees paid on a contract or fee basis are not eligible for coverage.

Employees paid on a piecework basis are compensated based on the amount of units produced or work completed. They may be eligible for coverage however, if their work schedule provides for full or part-time service during a regularly scheduled work week.

Noncitizens working outside of the United States and its territories or possessions are not eligible for FEHB coverage.



Temporary Tribal Employees

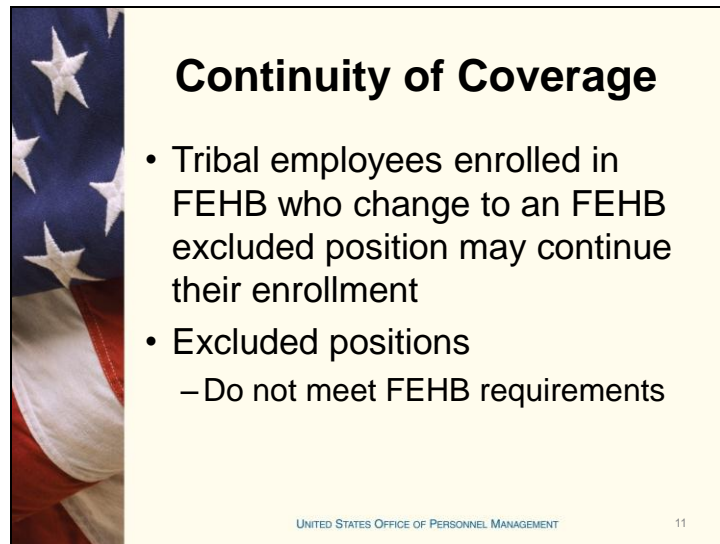
- Excluded from coverage if position is for one year or less
- May enroll after one year of current continuous employment (excluding breaks in employment of 5 days or less)

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A tribal employee is a temporary tribal employee if their position is limited to one year or less. Temporary tribal employees are not eligible for FEHB coverage.

If employment continues beyond one year of current continuous employment (excluding breaks in employment of 5 days or less), a temporary tribal employee may participate in the FEHB Program at their own expense. Temporary tribal employees are not eligible for a tribal employer contribution.

The one year employment requirement may be met through a single position or through multiple shorter positions (as long as there are no breaks in employment of more than 5 days).



Continuity of Coverage

- Tribal employees enrolled in FEHB who change to an FEHB excluded position may continue their enrollment
- Excluded positions
 - Do not meet FEHB requirements

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT 11

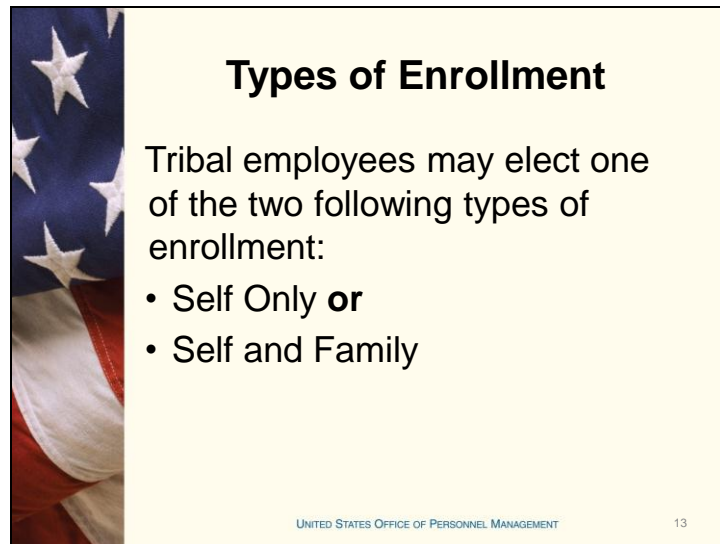
Tribal employees that are enrolled in FEHB and change from an FEHB eligible position to a position that is excluded from coverage may continue their FEHB enrollment provided they did not have any breaks in employment of more than 3 calendar days. These tribal employees continue to receive the same tribal employer contribution they did when they were in an FEHB eligible position.

An excluded position is one where a tribal employee works in a job that does not meet FEHB requirements described on slides 5-10.

Slide 12



In this section we will discuss the guidelines for determining FEHB eligibility of the family members of tribal employees.



Types of Enrollment

Tribal employees may elect one of the two following types of enrollment:

- Self Only **or**
- Self and Family

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Tribal employees eligible for FEHB coverage may elect coverage under one of the following two enrollment types:

- Self Only enrollment covers only the tribal employee,
- Self and Family enrollment covers the tribal employee and all of his/her eligible family members.

A tribal employee may not choose which family members will be covered. If a family member is eligible, he/she is automatically covered under the tribal employee's Self and Family FEHB enrollment. A tribal employee cannot provide coverage for anyone who is not an eligible family member.

Tribal employers must offer both enrollment options to every eligible tribal employee.

There is no Self Plus One enrollment in the FEHB Program.



Family Member Eligibility

- Spouse
 - Public Law 104-199, Defense of Marriage Act (DOMA): “the word ‘marriage’ means only a legal union between one man and one woman as husband and wife, and the word ‘spouse’ refers only to a person of the opposite sex who is a husband or a wife.”
- Children under age 26

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Family members eligible for coverage under a tribal employee’s Self and Family FEHB enrollment are spouses, and children under age 26. Limited exceptions apply and are explained in detail in the following slides.

A tribal employee who is newly enrolling or changing FEHB enrollment to Self and Family must enter family member information on the SF 2809 and must notify their health plan if a family member loses eligibility or becomes eligible for coverage.

Tribal employees should also notify their tribal employer of any changes. If an FEHB enrollment change from Self Only to Self and Family coverage is needed, the tribal employee must notify the tribal employer and the health plan by completing SF 2809. If a tribal employee has a Self and Family enrollment, but fails to notify the tribal employer of a newly eligible family member, the family member will be covered but the tribal employee must notify the health plan.

Similarly, if the tribal employee has a family member who loses eligibility, the family member’s coverage ends even if the tribal employee does not notify the health plan. Note that if a family member loses eligibility and the tribal employee is the only enrollee, the tribal employee should change to a Self Only FEHB enrollment.

Please refer to the FEHB Enrollment training module for more information.



Spouse

Includes:

- State-recognized marriages such as:
 - Common law marriages
 - Tribal marriages

Except:


- Same-sex marriages or domestic partners (Defense Of Marriage Act)

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The spouse of a tribal employee is an eligible family member as long as their marriage is legally recognized in the State in which they reside. Spouses of common law and tribal marriages are eligible family members in states where these unions are legally recognized. Domestic partners are not eligible family members under the FEHB Program.

Because DOMA is a Federal law governing the FEHB Program, DOMA precludes any State law that recognizes same-sex marriage. Same-sex spouses or domestic partners are not eligible family members under the FEHB Program regardless of whether the state where the tribal employee lives legally recognizes same-sex marriages.

According to DOMA, a marriage is defined as “only a legal union between one man and one woman as husband and wife” and a spouse as “a person of the opposite sex who is a husband or wife.”



Children

Children under age 26 including:

- Married children
- Adopted children
- Recognized natural children
- Foster children (if requirements met)
- Stepchildren
- Children incapable of self-support

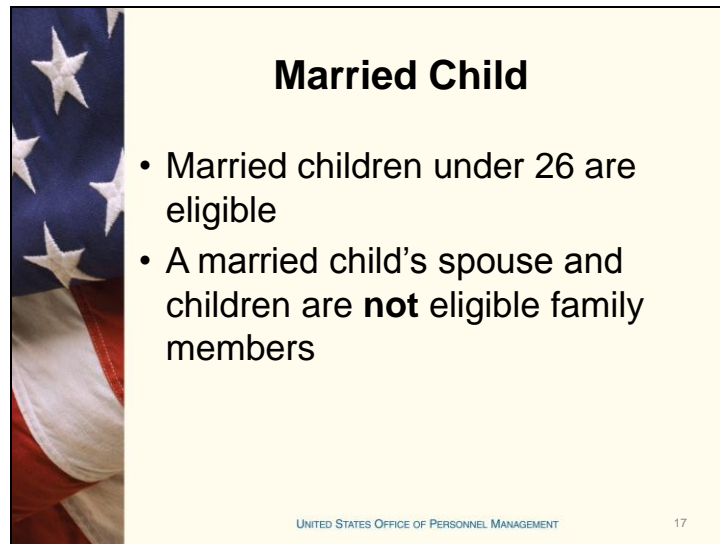
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Children up to age 26 are covered under their parent's Self and Family FEHB enrollment. This includes children who are married, adopted, recognized natural children, foster children, stepchildren, and children over 26 who are incapable of self-support.

Eligible children are automatically covered under a tribal employee's Self and Family FEHB enrollment and cannot be removed.

Further details are provided on the following slides.



Married Child

- Married children under 26 are eligible
- A married child's spouse and children are **not** eligible family members

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A tribal employee's married children under the age of 26 are eligible family members under the tribal employee's Self and Family FEHB enrollment even if they are eligible for or receiving coverage from another source outside of the FEHB Program.

FEHB law prohibits a person from being covered under more than one FEHB enrollment at the same time. If the other source of coverage for the tribal employee's married child is an FEHB plan, the child must choose which FEHB plan will cover him/her and notify both carriers. See the Dual Enrollment section of the *Tribal FEHB Handbook*. Also see the Dual Enrollment section of the FEHB Enrollment training module.

The spouse and children of a tribal employee's married child are not eligible family members of the tribal employee.



Adopted and Recognized Natural Children

- Applicable State law governs child adoption
- A child born to a man and a woman who are not married to each other is a recognized natural child

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Applicable State law (including State law that may recognize Tribal authority, as appropriate) governs whether a child has been adopted. The child is adopted if the adoption decree is final. The child also is adopted if the adoption decree is interlocutory and State law provides that the rights of the child generally are the same as those of an adopted child.

A recognized natural child is a child born to unmarried parents. Recognized natural children are eligible for FEHB coverage under the plan of either their mother or father who is also an FEHB eligible tribal employee regardless of whether or not the child lives with the eligible tribal employee. However, a child cannot be covered under more than one FEHB enrollment.

The tribal employer and the tribal employee's health plan may require the tribal employee to provide documentation to prove the relationship between the eligible tribal employee and the child.



Foster Child Requirements


- Child must be under age 26
- Tribal employee must provide written certification that the:
 - Child lives with tribal employee in regular parent-child relationship
 - Tribal employee is child's primary source of financial support
 - Tribal employee expects to raise the child to adulthood

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For FEHB purposes, a foster child must meet all of the above requirement to be an eligible family member. In addition, the tribal employee must provide certification to the tribal employer that the above requirements are met.

A tribal employee does not need to be related to a child nor does a tribal employee need to legally adopt the child in order to establish a foster parent-child relationship. The next slide provides details about a regular parent-child relationship.

Please refer to Chapter 10, Family Members, in the *Tribal FEHB Handbook* for a sample of the written certification required for FEHB coverage of an eligible foster child.



Foster Child Requirements (contd)

A regular parent-child relationship exists when the tribal employee is:

- Exercising parental authority, responsibility, and control over the child
- Caring for, supporting, disciplining, and guiding the child **and**
- Making decisions about the child's education and medical care

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The biological parents of the child can be alive and living in the tribal employee's home, but the parent-child relationship must be with the tribal employee, rather than with the biological parents.

If the above requirements are met, the foster parent-child relationship can exist even when:

- The child's natural parents are alive;
- The child's natural parent lives with the child; or
- The child receives some support from sources other than the tribal employee (for example, social security payments or support payments from a parent).

Common examples of a foster parent-child relationship are:

- A child whose parents have died and is living with and being supported by a close relative who is an FEHB enrollee.
- A child who is living with and financially dependent on a grandparent who is an enrollee. (The natural parent of the child may also be a dependent.)
- A child living with an enrollee under a pre-adoption agreement.
- A child who is in the legal custody of an enrollee.

The child can receive support from other sources, including the biological parents, but the tribal employee must be the primary source of support for the child.




Foster Child Requirements (contd)

- Certification is required for FEHB coverage
- The certification form must establish that foster child requirements are met and must be signed by the tribal employee
- The tribal employer must file the original Statement in the Tribal Employer Personnel Folder for the employee

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A tribal employee must certify a child as an eligible foster child before the child can receive coverage under the tribal employee's Self and Family FEHB enrollment.

Certification forms must be provided to the tribal employee by the tribal employer. An example of the certification form is located at: www.opm.gov/retire/pubs/bals/2011/11-203attachment2.pdf as well as in Chapter 10, Family Members, of the *Tribal FEHB Handbook*. After completing the form, the tribal employee must provide the certification to the tribal employer. The tribal employer must file the original Statement in the Tribal Employer Personnel Folder for the tribal employee.



Grandchildren Eligible as Foster Children

Can qualify as foster children if:

- The child lives with and has parent-child relationship with tribal employee
- Tribal employee is primary source of financial support for the child
- Tribal employee expects to raise the child to adulthood **and**
- Same certification required for grandchildren as for foster children.

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In certain circumstances, a grandchild can qualify as an eligible foster child. The grandchild must live with and have a parent-child relationship with the tribal employee; the tribal employee must be the primary source of financial support for the child; and the tribal employee must expect to raise the child into adulthood.

Certification of a grandchild as an eligible foster child requires the same documentation as for other foster children. Certification forms must be provided to the tribal employee by the tribal employer. A sample certification form is located at: www.opm.gov/retire/pubs/bals/2011/11-203attachment2.pdf as well as in Chapter 10, Family Members, of the *Tribal FEHB Handbook*. After completing the form, the tribal employee must provide the certification to the tribal employer. The tribal employer must file the original Statement in the Tribal Employer Personnel Folder for the employee.



NOT Eligible as Foster Child

A child placed in a tribal employee's home by a welfare or social service agency under an agreement where the agency retains control of the child or pays for maintenance

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A child who has been placed in the home of an FEHB eligible tribal employee by a welfare or social service agency is not an eligible family member if the agency retains control of the child or is responsible for financial support of the child.

Similarly, a child who is temporarily in the care of a tribal employee is not an eligible foster child.



If a Foster Child Returns to Biological Parent(s) Home

The child cannot be covered again as a foster child unless:

- Biological parent dies, becomes disabled, or is imprisoned **or**
- Tribal employee obtains a court order taking parental responsibility away from biological parent

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If a child previously eligible as a foster child returns to the home of his/her biological parent(s), that child cannot be covered again under the FEHB eligible tribal employee's plan unless the biological parent dies, becomes disabled, is incarcerated, or the eligible employee obtains parental responsibility for the child through a court order.



Stepchild

- Includes a spouse's natural or adopted child
- Does not include a spouse's stepchild by a previous marriage
- Does not have to live with tribal employee or be financially dependent upon the tribal employee

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In general, a spouse's natural or adopted child is a stepchild. Stepchildren do not have to live with the eligible tribal employee in order to be an eligible family member. A spouse's stepchild (by a previous marriage) is not an eligible family member of the tribal employee.

Under the FEHB Program, a stepchild remains an eligible family member after a divorce from, or the death of, the natural parent, provided the stepchild lives with the employee in a regular parent-child relationship. If a stepchild stops living with the employee in a regular parent-child relationship, the child is eligible to enroll under temporary continuation of coverage (TCC) provisions because he/she no longer meets the definition of an eligible child.

If the tribal employee gets divorced and the tribal employee's former spouse is eligible to enroll under TCC, only the natural or adopted children of both the tribal employee and the tribal employee's former spouse are covered under the former spouse's Self and Family enrollment. Stepchildren are not covered even though they may have been covered previously by the tribal employee's Self and Family enrollment. However, they may qualify for a TCC enrollment of their own.

For additional information see the FEHB Enrollment training module.



Child Incapable of Self-Support


- Disabling condition must have existed before age 26
- Condition must be expected to last at least one year
- Child can be working, but cannot be self-supporting
- Tribal employee must provide medical documentation

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A child over the age of 26 is eligible for FEHB coverage under their parent's Self and Family FEHB enrollment if the child is incapable of self-support due to a disabling condition. The condition must have existed before the age of 26 and must be expected to last for at least one year.

If a child earns some income (generally no more than the equivalent of the GS 5, step 1 on the scale located at www.opm.gov/oca/11tables/indexGS.asp), it does not necessarily mean that he/she is capable of self-support. A tribal employer will take both the child's earnings and condition or prognosis into consideration when determining whether he/she is incapable of self-support.



Child Incapable of Self-Support (contd)


- A child is automatically deemed incapable of self-support when:
 - The child's condition is on the FEHB-approved "list" **and**
 - The condition began before age 26
- Documentation must be provided to the tribal employer

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A child can be automatically deemed incapable of self-support for the following reasons:

- If a medical certificate describes a disability that appears on the list of medical conditions, located at www.opm.gov/insure/health/reference/handbook/FEHB30.asp#listmedical; or if he/she is certified by a State or federal rehabilitation agency as unemployable;
- If he/she is receiving: (a) benefits from Social Security as a disabled child; (b) survivor benefits from CSRS or FERS as a disabled child; or (c) benefits from OWCP as a disabled child;
- If a medical certificate documents that: (a) he/she is confined to an institution because of impairment due to a medical condition; (b) he/she requires total supervisory, physical assistance, or custodial care; or (c) treatment, rehabilitation, educational training or occupational accommodation has not and will not result in a self-supporting individual; or
- If the tribal employee submits acceptable documentation that the medical condition is not compatible with employment, that there is a medical reason to restrict the child from working, or that he/she may suffer injury or harm by working.

Documentation must be provided to the tribal employer.



Child Incapable of Self-Support (contd)

- The health plan may automatically deem a child incapable of self-support
- If a child cannot be automatically deemed incapable of self-support, the tribal employer's Chief Medical Officer (or equivalent) must make a determination
- OPM will make the determination in absence of a Chief Medical Officer


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A tribal employer is responsible for determining whether a dependent child age 26 or over is incapable of self-support because of a mental or physical disability that began before age 26 and for notifying the tribal employee's health plan of its determination.

However, if a child's medical condition is listed at www.opm.gov/insure/health/reference/handbook/FEHB30.asp#listmedical, the health plan may approve coverage without referring the tribal employee to his/her tribal employer. When the health benefits carrier determines the child's incapacity for self-support, it sends the approval notice to the tribal employee and advises him/her to give a copy to the tribal employer. The tribal employer must file the notice in the tribal employee's Tribal Employer Personnel Folder.

If automatic qualification cannot be established, the Chief Medical Officer (or equivalent) of the tribal employer must make a determination. If the tribal employer does not have a Chief Medical Officer (or equivalent), the tribal employer should send a determination request to OPM at:

U.S. Office of Personnel Management
1900 E St NW, Room Number 3424
Attn: FEIO-PASS – Tribal Programs
Washington D.C. 20415




Which Family Members Are Not Eligible?

- Grandchildren, unless foster child requirements are met
- Parents or parents-in-law
- Siblings (may qualify as a foster child in certain circumstances)
- Same-sex spouse or partner
- Boyfriends, girlfriends, or fiancés

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Regardless of whether or not the following family members are dependent upon the tribal employee, they are not eligible family members in the FEHB Program:

- Grandchildren (unless they meet the requirements on the following slide),
- Parents or parents-in-law,
- Siblings (unless they meet the foster care requirements),
- Same-sex partners, domestic partners, or spouses,
- Boyfriends, girlfriends, or fiancés (even if they live with the tribal employee).



Children's Equity

- A tribal employee must enroll in Self and Family coverage that provides full coverage for the tribal employee's child if:
 - The tribal employee is eligible for FEHB **and**
 - The tribal employee is subject to a court or administrative order to provide insurance coverage


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Public Law 106-394 requires mandatory Self and Family coverage if a tribal employee is eligible for FEHB coverage and the tribal employee is subject to a court or administrative order to provide health benefits for his/her children. If the tribal employee is subject to such an order, the tribal employee must enroll in Self and Family coverage in a plan that provides full benefits to his/her children in the area where they live or provide documentation that he/she has other health coverage for the children.

The court or administrative order can be submitted by anyone, including the custodial parent, an attorney for the custodial parent, and the State administrative agency that issues the order.

If the court order deals only with health benefits, it does *not* have to be certified. If the court order also deals with life insurance benefits, then it *does* have to be certified. Administrative orders come from state child support agencies, and will not be certified.

If the tribal employee does not enroll in an appropriate health plan or provide documentation of other coverage for the children, the tribal employer must enroll the tribal employee for Self and Family coverage in the lower option of the Blue Cross and Blue Shield Service Benefit Plan (FEHB enrollment code 112).



Children's Equity (contd)

- Tribal Employer Review
 - To determine whether the tribal employee is eligible for FEHB coverage and
 - If so, whether the tribal employee is enrolled in a plan that provides full benefits for the child

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The tribal employer must review the tribal employee's records to determine whether the tribal employee is eligible for FEHB and, if so, whether the tribal employee is enrolled in a Self and Family plan that provides full benefits in the location where his/her children live. If the tribal employee has such coverage, the tribal employer will notify whoever sent in the court/administrative order. It will send a copy of the tribal employee's SF 2809 to the health benefits carrier, along with a copy of the court/administrative order to notify the carrier of the additional family members being covered under the Self and Family enrollment.


The tribal employer will file the order in the Tribal Employer Personnel File for the tribal employee, and flag the folder or other file in some manner that it will know the file contains a court/administrative order relating to health benefits.

If the tribal employee is eligible for FEHB but doesn't have the appropriate coverage, the tribal employer must notify the tribal employee that it has received a court order requiring the tribal employee to provide health benefits for his/her children. The tribal employer will give the tribal employee until *the end of the pay period following the one in which the tribal employer gets the notice* to enroll in an appropriate health plan or the tribal employee provides documentation that he/she has other health benefits for the children.

Slide 32



In this section we will discuss the responsibilities of the tribal employer in determining and documenting eligibility to participate in the FEHB Program.



Tribal Employer Responsibilities

- Determine tribal employee eligibility
- Notify tribal employees
- Provide information about the FEHB Program
 - *The FEHB Guide for Tribal Employees*
 - Plan brochures
 - PlanSmartChoice

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Tribal employers are responsible for determining which tribal employees are eligible for coverage under the FEHB Program. Tribal employers must notify each tribal employee of the determination. If the tribal employee is not eligible, the notice must be written and must explain why the tribal employee is not eligible.

Eligible tribal employees must be provided with an opportunity to freely choose among the plans available to them. Tribal employers are responsible for providing tribal employees with information about the Program and the plans available, but may not encourage the tribal employee to enroll in a particular plan or suggest which plan(s) would be best for the tribal employee. Instead, tribal employers should refer tribal employees to the following resources to assist them in their decision-making process:

- *The FEHB Guide for Tribal Employees* – this document includes information about the FEHB Program, types of plans available, as well as rates and out-of-pocket expenses such as copays, coinsurance, and deductibles.
- Plan Brochures – available online at www.opm.gov/tribalprograms. Brochures are plan specific and explain the important features of the plan including what services are covered and any applicable out-of-pocket expenses.
- PlanSmartChoice – available online at www.plansmartchoice.com. A free comparison tool to assist tribal employees in deciding which medical plan best meets their personal needs and estimating their total health care costs before selecting a plan.



Tribal Employer Responsibilities (contd)

- Process FEHB enrollments and changes
 - Including elections to not enroll
- Review family members for eligibility
- Submit all information to NFC

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The tribal employer must enroll in the FEHB Program by submitting an SF 2809 to the tribal employer. If a tribal employee chooses not to enroll in FEHB, the tribal employee must complete and submit the SF 2809 as an official record of his/her choice to not enroll. The tribal employer must remind tribal employees during the initial enrollment opportunity of any approaching deadlines for FEHB enrollment.

Once the tribal employer receives an SF 2809 from a tribal employer, the tribal employer is responsible for submitting the information to the National Finance Center (NFC) via the online Tribal Information Processing System (TIPS) or in paper form. Electronic submissions are encouraged.

The tribal employer should review the SF 2809 to be sure the tribal employee has enrolled in an open FFS plan or, if enrolling in an HMO, lives or works in the HMO's service area.

The tribal employer should review the information provided on the SF 2809 including any family members listed. If the tribal employee has listed an ineligible family member, the tribal employer should remove him/her from the list and provide documentation to the tribal employee about why that family member is ineligible. The tribal employer is also responsible for making eligibility determinations including the eligibility of foster children and children over the age of 26 who are incapable of self-support.



Tribal Employer Responsibilities (contd)

- Reconcile FEHB enrollment records
- Manage FEHB enrollment eligibility appeal process
 - Independent panel
 - Inform tribal employees
 - OPM review of decisions

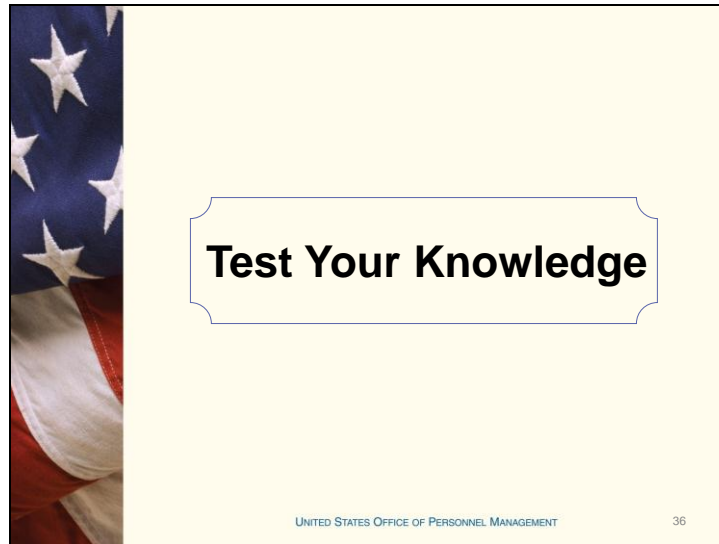
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Tribal employers are also responsible for reconciling FEHB enrollments in cooperation with NFC and the carriers on a quarterly basis.

If an individual is determined to be ineligible for coverage under the FEHB Program, that individual may appeal the decision. Appeals must be considered by an independent panel with the authority to enforce their decisions. A record must be kept of each eligibility dispute and its resolution, and should be provided to OPM for review. Tribal employers are responsible for notifying tribal employees of the appeal process and the procedure for initiating a review of their eligibility determination.

Slide 36



In this section we will provide scenarios that will test your understanding of FEHB eligibility.




Scenario #1

Sara, a tribal employee, married Patrick who has 2 children from a previous marriage. The children live with their mother but visit Sara and Patrick every other weekend and 4 weeks every summer.

Can Sara cover the children under her Self and Family FEHB enrollment?

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Yes. Although these are Sara's stepchildren, they do not have to live with her in order to be eligible for coverage.



A. Yes

- Yes. Although these are Sara's stepchildren, they do not have to live with her in order to be eligible for coverage.

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Scenario #2


Pierre and Renee are married tribal employees. They each have children from a previous marriage who live with them. All are covered under Pierre's Self and Family enrollment. Renee and her children move out.

Can Renee enroll in her own Self and Family plan?

- A. No, Renee and her children are still covered under Pierre's plan
- B. Yes, right away
- C. Yes, during the next Open Season

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A. No

- Renee and her children are still covered under Pierre's plan.
- Although Renee's children no longer live with Pierre, they are still covered under his Self and Family FEHB enrollment. There is no requirement for stepchildren to live with the enrollee.

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Scenario #3

Randi's 24 year old daughter and son-in-law moved in with Randi. Randi wants to add the son-in-law to her Self and Family enrollment.

Is the son-in-law eligible for coverage?

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A. No

- The son-in-law is not eligible. The spouse of an enrollee's child is not an eligible family member.
- Randi's daughter is automatically covered under Randi's Self and Family FEHB enrollment.

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Scenario #4

A parent must be enrolled in Self and Family in order to request a determination of a child incapable of self support.

True or False?


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A. False

- There is no need to have a Self and Family FEHB enrollment to request a determination. The child may have had other coverage or the parent may be a recently employed tribal employee.

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Scenario #5

LaTonya is a tribal employee. Her brother takes a 2-year job assignment out of the country. He leaves his children with LaTonya.

Can the children be covered as foster children under LaTonya's Self and Family FEHB enrollment?


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A. No

- In order for LaTonya to cover them as foster children, she must expect to raise them to adulthood.
- Because she is only looking after the children while her brother is abroad, this requirement hasn't been met.

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Scenario #6

You received a court order stating that Maria, a tribal employee, must provide health insurance coverage for her children. You check her Tribal Employer Personnel Folder and discover that she is currently enrolled in a BCBS Self and Family plan.

What do you do?

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What do you do?


- Since BCBS is available nationwide, she does not need to change coverage.
- Put a copy of the court order in her Tribal Employer Personnel Folder and flag it.
- Send a copy of the court order to the carrier.

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If Maria is subject to such an order, she must enroll in Self and Family coverage in a plan that provides full benefits to her child in the area where they live or provide documentation that she has other health coverage for the child. Here, Maria is already enrolled in a Self and Family FEHB enrollment and BCBS offers nationwide coverage.

If Maria was enrolled in a Self Only FEHB enrollment, Maria would not have appropriate coverage. Her tribal employer must notify her that it has received a court order requiring her to provide health benefits for her child. The tribal employer will give Maria until *the end of the pay period following the one in which Maria gets the notice* to enroll in an appropriate health plan or she provides documentation that she has other health benefits for the child.

If Maria does not enroll in an appropriate health plan or provide documentation of other coverage for her child, the tribal employer must enroll Maria for Self and Family coverage in the lower option of the Blue Cross and Blue Shield Service Benefit Plan (FEHB enrollment code 112).




Scenario #7

Rebecca's 22-year old daughter gets married and Rebecca would like to remove her from her Self and Family FEHB enrollment.

May Rebecca remove her daughter from coverage?

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A. No

- Rebecca's daughter cannot be removed from Rebecca's Self and Family FEHB enrollment.
- Unless her daughter is a foster child, there is no residency or dependency requirement.
- Rebecca's daughter is automatically covered under Rebecca's Self and Family FEHB enrollment until she is 26 years old.

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Scenario #8

Jamal is a part-time tribal employee and is enrolled in the FEHB Program. He changes to a seasonal work schedule and only works 4 months out of the year. He has a break in service of 5 days between jobs

May Jamal continue his FEHB enrollment?

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A. No

- Because Jamal had a break in service of more than 3 calendar days he cannot continue his FEHB enrollment.
- If Jamal had a break in service of 3 calendar days or less, he could have continued his FEHB enrollment and continued receiving the tribal employer contribution.

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Scenario #9

A seasonal tribal employee who is expected to work[s] more than 6 months out of the year on a recurring basis can continue his or her FEHB enrollment throughout the year.

True or False?

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A. True

- Seasonal tribal employees who are expected to work more than 6 months out of the year may continue their FEHB enrollment.
- They will continue to pay their portion of their premiums and receive the tribal employer contribution.

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Scenario #10

Luke is a tribal employee. He works as a grade school teacher and only works 9 months out of the year on a recurring basis.

Must Luke enroll in TCC during the months he is not working?

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A. No

- TCC is only for former employees, Luke is still an employee.
- Luke may continue his FEHB enrollment during the months he is not working.
- He must continue to pay his portion of the premium or choose to incur a debt to the tribal employer. If the tribal employer offers the option of pre-paying, Luke may choose to pre-pay.
- He will continue receiving the tribal employer contribution.

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Scenario #11

Rachel believes her 27-year old son is incapable of self-support due to a disability that existed before he attained age 26 and she would like to add him to her Self and Family enrollment. His condition is not on the “list.”

Who will determine if Rachel’s son is an eligible family member?

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Who should determine?

- The Chief Medical Officer of the tribal employer will make the determination.
- If the tribal employer does not have a Chief Medical Officer, OPM will make the determination.

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Scenario #11 (contd)

What if Rachel's son's condition is on the "list"?

Who will determine if Rachel's son is an eligible family member?

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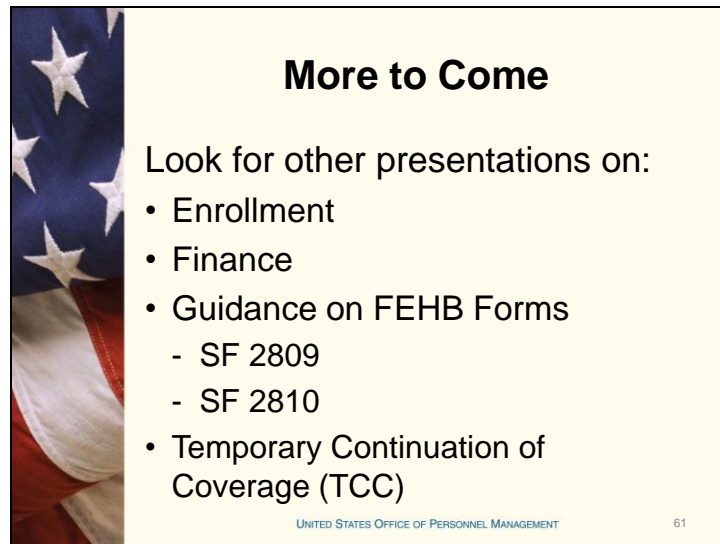


Who should determine?

- The tribal employer or the health plan will make the determination if the condition is on the “list.”

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More to Come

Look for other presentations on:

- Enrollment
- Finance
- Guidance on FEHB Forms
 - SF 2809
 - SF 2810
- Temporary Continuation of Coverage (TCC)

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OPM is in the process of creating additional detailed modules for the following topics:

- Enrollment
- Finance
- Guidance on FEHB Forms
- Temporary Continuation of Coverage (TCC)

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