

Extension of Benefits to Legally Married Same-Sex Spouses

Questions and Answers

July 5, 2013

Q. To be considered an eligible family member for Federal Health Benefits (FEHB), Life Insurance (FEGLI), Dental and Vision Insurance (FEDVIP), Long-Term Care Insurance (FLTCIP), Flexible Spending Account (FSA), and a survivor annuity, do same-sex partners have to be legally married?

A. **Yes, in order to be considered an eligible family member, same-sex partners must be legally married in a state that recognizes same-sex marriages.**

Q. When can I make changes to my existing enrollment and coverage?

A. **In most cases, employees and annuitants have 60 days from June 26, 2013, until August 26, 2013, to make changes to their enrollments and coverage to their FEHB, FEGLI, FEDVIP, FLTCIP and FSAFEDS.**

Exceptions:

- **Annuitants who are not currently enrolled in FEHB may not enroll based on a new or newly eligible marriage.**
- **Annuitants will not be allowed to cancel a waiver for Basic and/or Optional FEGLI coverage, nor will they be allowed to increase their multiples of Option B or C coverage if they are already enrolled.**
- **Employees, annuitants, and compensationers who are not enrolled in FEDVIP will not be allowed to enroll in a FEDVIP plan until the annual Open Season.**
- **Annuitants (other than re-employed annuitants) cannot participate in FSAFEDS.**

Q. If I don't make eligible changes to my benefits by August 26, 2013, will I be eligible to make changes at a later date?

A. **Yes, for most programs, qualifying employees will be eligible to make changes to their enrollment and coverage option during the regular Open Season that will begin in November 2013, or based upon a "qualifying life event".**

Note: FEGLI does not have regular open season periods; therefore, individuals who choose not to change their current FEGLI election by August 26, 2013, will have to wait until they experience a future qualifying life event, or the FEGLI program offers a future Open Season period.

Note: There will not be an abbreviated underwriting for FLTCIP after August 26, 2013.

Q. What is considered a "qualifying life event"?

A. **A qualifying life event is a term defined by OPM to describe events that permit enrollment or change in enrollment outside of an Open Season. For more information about qualifying life events, please visit <http://www.opm.gov/healthcare-insurance/healthcare/plan-information/changes-you-can-make-outside-of-open-season/>, or speak with your Servicing**

Human Resources Office. Please note that what is considered a qualifying life event may differ between Federal benefits programs.

Q. How do I make changes to my FEHB enrollment?

A. A Standard Form (SF) 2809, Health Benefits Election Form, must be submitted. It is recommended that employees and annuitants update their elections using the paper SF-2809 (rather than electronic) version. The form should be provided to your Servicing Human Resources Office. The form may be located at: http://www.opm.gov/forms/pdf_fill/sf2809.pdf

Q. Are children eligible to be covered under FEHB as well as same-sex spouses?

A. Yes, children of same-sex marriages (including adopted or foster children and stepchildren) will be treated the same as those of opposite-sex marriages and will be eligible family members according to the same eligibility requirements.

Q. How do I add coverage to my FEGLI?

A. A Standard Form (SF) 2817, Life Insurance Election, must be submitted. Employees may add coverage for their same-sex spouse and newly eligible children under Option C. The form should be provided to your Servicing Human Resources Office. The form may be located at: http://www.opm.gov/forms/pdf_fill/sf2817.pdf

Q. How do I make changes to my FEDVIP enrollment?

A. All current FEDVIP enrollees (employees or retirees) must call BENEFEDS (877-888-FEDS (3337) directly to make enrollment changes. Online enrollment via the Internet is not yet available. For more information, visit <https://www.benefeds.com/BenefedHelp/FEDVIP/dependents.htm#spouse>.

Q. How do I apply for FLTCIP?

A. There are three ways to apply for FLTCIP. An individual may apply online, download and complete an underwriting application, or apply over the telephone by calling 1-800-582-3337. There will be abbreviated underwriting offered during the special open enrollment period of June 26, 2013, to August 26, 2013. For more information, visit: <https://www.ltcfeds.com/apply/index.html>.

Q. How do I decide whether I should change my pension benefits to provide benefits for my surviving spouse?

A. In the coming days, the Office of Personnel Management (OPM) will be developing guidance to help retirees determine whether they wish to change their pension benefits through election of a survivor annuity by submitting a revised retirement application (SF-2801 for CSRS or SF-3107 for FERS). Retirees will need to determine whether this option is appropriate for their circumstances, since making this election will likely result in a deduction to the monthly annuity that a retiree currently receives.

Note: In order for spouses to retain eligibility for FEHB enrollment following the death of the retiree, a survivor annuity must be elected.

Q. Can I submit claims for expenses for my same-sex spouse and newly qualifying step(children) to my existing FSA?

A. Yes, you may immediately begin submitting claims for expenses for a same-sex spouse and/or qualifying step(children) if you currently participate in the FSAFEDS program, which includes the healthcare flexible spending account (HCFSA), the Limited Expense Health Care Flexible Spending Accounts (LEX HCFSA), and The Dependent Care (Day Care) Flexible Spending Account (DCFSA). For more information, visit:

<https://www.fsafeds.com/fsafeds/index.asp>

Q. Can I enroll in FSA or make a change in the amount of an election?

A. Yes, employees have 60 days from June 26, 2013, until August 26, 2013, to enroll in or make changes to their existing FSAFEDS account. Any changes made to the account must be consistent with the life event. If an enrollee does not change his or her election during the 60-day window, he/she must wait until the annual Open Season or another Qualifying Life Event to make an enrollment change.