



Domestic Partner Coverage

Assembly Bill 2208 (AB 2208)

Changes Effective January 2, 2005

Under existing law, health care service plans (such as Blue Cross of California) and health insurers (such as BC Life & Health Insurance Company) are required to *offer* coverage for the domestic partner of an employee, subscriber, insured or policyholder to the same extent and subject to the same terms and conditions provided to a dependent of those persons. AB 2208 eliminates that option, instead all health plans and insurers must cover spouses and domestic partners on an equal basis in employer-sponsored group coverage. Also, insurers must cover spouses and domestic partners on an equal basis under individual or family insurance policies.

California Assembly Bill 2208 (AB 2008), also known as the California Insurance Equality Act, amends Section 1374.58 of the Health and Safety Code, amends Section 10127.1 of the Insurance Code and creates a new Section of the Insurance Code, Section 381.5. For purposes of Section 1374.58 of the Health and Safety Code and Section 10127.1 of the Insurance Code, the term "domestic partner" shall have the same meaning as the term used in Section 297 of the Family Code.

This bill requires health care service plans and health insurers that provide hospital, medical or surgical expense benefits to provide equal coverage to employers or guaranteed associations for the registered domestic partner of an employee, subscriber, insured or policyholder to the same extent, and subject to the terms and conditions provided to a spouse of an employee or subscriber if spousal benefits are covered.

ISG Changes As a Result of AB 2208

- 1) Currently, in Small Group we give the employer the option to offer coverage for domestic partners. This option will be removed from the Employer Application on the next revision. Until then, this question can be skipped because offering coverage for domestic partners will no longer be an option, it will automatically be given to every Small Group effective 1/1/05 and after.
- 2) Currently, a copy of a valid Declaration of Domestic Partnership filed with the state of California is required when enrolling a domestic partner on an Individual or Small Group plan. Because AB 2208 requires that we treat domestic partners equal to spouses, we can only require this documentation if it is also required from married employees. In response to this, Small Group will institute the following process effective 1/1/05:

For NEW Business, we will not require any documentation, such as a Declaration of Domestic Partnership or a Marriage Certificate, when enrolling a domestic partner or spouse (for those domestic partners covered under AB 2208).

EXISTING Small Groups on Anniversary Renewal that have previously opted to not cover domestic partners will be given the opportunity to enroll those domestic partners onto their employee's plans on their anniversary date.

For NEWLY enrolling Subscribers with a Spouse or Domestic Partner on original application we will not require any documentation such as a Declaration of Domestic Partnership or a Marriage Certificate.

For any Subscriber currently enrolled who chooses to add a Spouse or Domestic Partner at a later date will be required to provide 1) a copy of a valid Declaration of Domestic Partnership when enrolling a Domestic Partner or 2) a copy of a Marriage Certificate when enrolling a Spouse.

Note: *If this documentation is not provided with the application, the application will be held pending. If this occurs, it may affect the actual effective date of coverage. Failure to respond to our request for this documentation will result in us returning the application.*

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	OR Opposite Sex (62 or older)	Opposite Sex (< 62 years of age)
Initial Enrollment	No Documentation Required	BCC Affidavit Required
Add on to existing enrollment (new spouse or domestic partner)	Applicable Documentation required: Marriage Certificate, Declaration of Domestic Partnership, or equivalent document by a local agency of California, another state, or a local agency of another state under which the partnership was created	BCC Affidavit Required
COBRA Eligible	Not Eligible for COBRA*	Not Eligible for COBRA*
Cal-COBRA Eligible	Eligible for Cal COBRA	Eligible for Cal COBRA
<p><i>*If a person is covered as a domestic partner of an employee and if the employee terminates employment or experiences a reduction in hours below the number necessary to remain eligible for coverage as an employee, that person, while remaining a domestic partner, may continue under either Cal-COBRA or Federal COBRA.</i></p>		

Effective 1/1/05, Individual Services will not require a copy of a valid Declaration of Domestic Partnership when enrolling a Domestic Partner or a Marriage Certificate when enrolling a Spouse. However, a valid registration of a Domestic Partnership will continue to be required to be eligible for enrollment.

We do reserve the right to request such documentation for the purposes of fraud investigation and audit, and we also reserve the right to take appropriate action in the event we identify misrepresentation.

- 3) Individual and Small Group EOCs will be updated with new Domestic Partner language upon the next language revision.

FAQ for Domestic Partners

What is AB 2208?

AB 2208 requires health care service plans and health insurers to provide coverage to registered domestic partners on an equal basis as coverage provided to spouses.

What is the effective date of AB 2208?

The effective date of AB 2208 is January 2, 2005. Originally, this bill became effective January 1, 2005. The effective date is the 2nd of January (instead of the 1st of January) to allow health plan's usual open enrollment period of January 1, 2005 to proceed free of a last minute and substantial change as a result of AB 2008. Plan contracts issued January 1, 2005 are not required to cover domestic partners and spouses on an equal basis for another year – but those issued on or after January 2 of the coming year will be subject to this requirement. You may find that different health plans and health insurers are handling this differently. Our Small Group division has changed all affected processes effective 1/1/05 to comply with AB 2208.

What is a "Domestic Partner?"

Domestic Partner is defined in Family Code Section 297 (which was established by AB 205 in 2003) as follows:

Family Code Section 297

- (a) *Domestic partners are two adults who have chosen to share one another's lives in an intimate and committed relationship of mutual caring.*
- (b) *A domestic partnership shall be established in California when both persons file a Declaration of Domestic Partnership with the Secretary of State pursuant to this division, and, at the time of*

filing, all of the following requirements are met:

- (1) Both persons have a common residence.*
 - (2) Neither person is married to someone else or is a member of another domestic partnership with someone else that has not been terminated, dissolved, or adjudged a nullity.*
 - (3) The two persons are not related by blood in a way that would prevent them from being married to each other in this state.*
 - (4) Both persons are at least 18 years of age.*
 - (5) Either of the following:*
 - (A) Both persons are members of the same sex.*
 - (B) One or both of the persons meet the eligibility criteria under Title II of the Social Security Act as defined in 42 U.S.C. Section 402(a) for old-age insurance benefits or Title XVI of the Social Security Act as defined in 42 U.S.C. Section 1381 for aged individuals. Notwithstanding any other provision of this section, persons of opposite sexes may not constitute a domestic partnership unless one or both of the persons are over the age of 62.*
 - (6) Both persons are capable of consenting to the domestic partnership.*
- (c) "Have a common residence" means that both domestic partners share the same residence. It is not necessary that the legal right to possess the common residence be in both of their names. Two people have a common residence even if one or both have additional residences. Domestic partners do not cease to have a common residence if one leaves the common residence but intends to return.*

In order for a Domestic Partner to be eligible to be enrolled on a Small Group plan, they are subject to the following:

The Subscriber and Domestic Partner have completed and filed a Declaration of Domestic Partnership with the California Secretary of State pursuant to the California Family Code, or have been issued an equivalent document by a local agency of California, another state, or a local agency of another state under which the partnership was created, and the domestic partnership has not terminated.

Is a Domestic Partnership a same sex relationship or an opposite sex relationship according to Family Code Section 297?

Family Code Section 297 states that same sex domestic partners (age 18 and older) can legally register as domestic partners. Persons of opposite sex may not constitute a domestic partnership unless one or both of the persons are age 62 or older and are eligible for Social Security.

Does the requirement to provide health coverage to an employee's domestic partner extend to the children of the domestic partner?

Yes, the children of the domestic partner will be covered on the same basis as other eligible dependents. The law requires that coverage be provided to a registered domestic partner to the same extent and subject to the same terms and conditions as provided to a spouse. If the plan covers children of the employee's spouse, it must also cover the children of an employee's legally registered domestic partner.

Can groups opt out of this, such as religious groups?

No. The law requires that health plans and health insurers include domestic partner coverage in their group contracts and policies, and makes no exceptions for contracts or policies issued to religious employers or for any other type of employer.

Questions?

Contact your Regional Sales Manager or call Sales Support at (800) 678-4466.

