



Questions and Answers regarding the Marriage Equality Act

1. Q: When does this law take effect?

A: The Law takes effect on July 24, 2011, for marriages performed on or after that date.

2. Q: What types of insurance policies are impacted by the Marriage Equality Act?

A: All insured health insurance policies and contracts issued in New York State that provide for spousal coverage will be impacted by the Marriage Equality Act. If the employer group offers spousal coverage, then same sex spouses are eligible for this coverage.

3. Q: Are self-insured plans impacted by the Marriage Equality Act?

A: The Marriage Equality Act does not apply to self-funded plans. Self-Funded plans are subject to the federal Defense of Marriage Act (DOMA). Based on DOMA, a self-funded plan would not be required to recognize same-sex marriages for health benefit purposes. Self-funded groups may choose to voluntarily extend spousal health insurance coverage to same-sex spouses.

4. Q: Will the employer be required to hold an open enrollment period to add the new spouses?

A: No, an employer would not be required to hold a special open enrollment period. The marriage would be considered a qualifying event and the spouse could be added to the coverage effective the date of the marriage, within a period of time from the event date (most commonly 30 days). The specific timeframe is outlined within the certificate/contract.

5. Q: Will a subscriber need to supply any documentation other than an enrollment form to enroll their spouse in a same sex marriage?

A: An enrollment form, including the marriage date, is required to enroll the spouse into coverage. The enrollment form that is signed by the employer group/broker is considered a legal document. If an application is received and it has not been signed, it will be returned for the missing signature, prior to the request being processed. If for any reason a proof of marriage is required, the employer group/broker would be required to supply it.

6. Q: How will COBRA work for groups with more than 20 employees where federal COBRA rules are utilized? The Federal government doesn't recognize same sex marriage.

A: Same sex spouses would not be eligible for federal COBRA continuation rights, but may be eligible for New York State standard continuation.

7. Q: May domestic partner benefits be removed from existing coverage?

A: An employer group may choose to drop its domestic partner coverage. When and how this occurs will depend on the terms of the policy or contract. If the coverage is dropped, a notification to the domestic partner will be required so that the partner has the opportunity to exercise the State continuation and conversion rights.

8. Q: Where can I find additional information regarding the Marriage Equality Act?

A: Additional information can be found on the New York State Department of Health website:

http://www.nyhealth.gov/vital_records/marriage_equality_frequently_asked_questions.htm