

Supreme Court and Same Sex Marriage Update

On June 26, 2015, the Supreme Court of the United States recognized that all couples have a fundamental right to marriage, whatever their gender. In addition, each state must recognize a marriage that was entered into in a different jurisdiction. This means that marriage is the law of the land, and each state must allow couples of the same gender to marry.

1. What happens if a couple was previously married, but the spouse was not allowed to join the plan?

The spouse may join the plan within 31 days of the date of the decision. We will allow spouses to be added through July 31, 2015.

2. Does the plan need to start allowing same-sex spouses to have coverage now or can they wait until open enrollment?

A plan needs to start accepting all spouses now.

3. What happens if a couple is newly married?

The spouse may join the plan and is added during the plan's special enrollment period.

4. What is the difference between a domestic partner and marriage?

A domestic partnership is not a federally recognized relationship. Certain states have regulations for registered domestic partnerships. We will still have domestic partnership coverage in those states and for any employer that elects the coverage. A domestic partnership entered into in one state, is not necessarily recognized in another state.

5. What if an employer group wants to remove domestic partnership coverage?

If the state law allows, we will make the change at renewal

6. Can an employer group decide not to allow couples of the same gender to have coverage?

No, if an employer group offers coverage for married spouses, it must cover all married spouses.

7. What if the couple has a civil union?

Colorado, Hawaii and New Jersey still have civil union. A civil union partnership is not the same as marriage, and is not necessarily recognized by another state.

8. Will any insurance policies or certificates of coverage need to be updated?

No, all of our policies use generic language for the definition of marriage.