

# **BENEFITS FOR FORMER SPOUSES UNDER THE FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM**

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If you are the former spouse of a Federal employee or annuitant, you may be eligible to continue Federal Employees Health Benefits (FEHB) Program coverage for you and your eligible children. Two provisions of the FEHB law allow former spouses to continue FEHB coverage: spouse equity and temporary continuation of coverage (TCC). This booklet explains these provisions and their eligibility requirements.

## **WHEN DO I LOSE COVERAGE AS A FAMILY MEMBER?**

You are no longer an eligible family member when your divorce or annulment becomes final. You get a 31-day extension of your health benefits plan's coverage after that date. You may convert to an individual contract offered by your health benefits plan, if you don't qualify for or don't want FEHB coverage through spouse equity or TCC.

## **WHAT IS THE DIFFERENCE BETWEEN COVERAGE UNDER SPOUSE EQUITY AND TCC?**

### **Spouse Equity:**

1. If you qualify for spouse equity, you can elect FEHB coverage in your own right.
2. Your coverage continues indefinitely, as long as you continue to meet the requirements (see next section) and pay your premiums.
3. You must pay both the employee and government shares of your plan's FEHB premium.

### **TCC:**

1. Your coverage is limited. It will end 36 months after your divorce or annulment, or earlier if you do not pay your premiums.
2. You must pay both the employee and government shares of your plan's FEHB premium, plus an administrative charge equal to 2% of total plan premiums.

## **WHAT ARE THE QUALIFICATION REQUIREMENTS FOR SPOUSE EQUITY?**

1. You must have been covered as a family member under the Federal employee or annuitant's enrollment at some time during the 18 months before your divorce or annulment.
2. You must have a qualifying court order that awards you a portion of his/her annuity or a survivor annuity.
3. You must not have remarried before age 55.

A court order that awards a portion of your former spouse's retirement annuity will enable you to continue FEHB coverage until your former spouse dies. A court order that awards a survivor annuity allows you to continue FEHB coverage for life, if you continue to meet the requirements. You may also receive a survivor annuity if your former spouse made an election when he/she retired, or if you divorced after his/her retirement. If you were married to a CIA or Foreign Service employee, you should contact your former spouse's employing office for guidance.

## **HOW DO I APPLY FOR SPOUSE EQUITY COVERAGE?**

Applying for spouse equity coverage is a three-step process:

1. You must notify your former spouse's employing office in writing that you want to apply for spouse equity coverage;
2. You must ask your former spouse's retirement system to determine if you qualify based on either your court order or your former spouse's survivor annuity election when he/she retired. The employing office will tell you how to request this determination;
3. Send this determination to the employing office. If you qualify for coverage, it will send you a health benefits election form so you can choose a health benefits plan and option. The employing office will initiate your enrollment when it receives your completed form.

## **WHEN MUST I APPLY FOR SPOUSE EQUITY COVERAGE?**

You must apply within 60 days of:

- the date your marriage ended, or
- the date the employing office notified you that your qualifying court order (or your former spouse's election) entitled you to coverage,

whichever is later.

## **HOW LONG DOES IT TAKE FOR MY SPOUSE EQUITY APPLICATION TO BE PROCESSED?**

It may take up to several months for your enrollment to take effect. If you want to continue to have health insurance in the meantime:

- You may convert to an individual contract offered by your health plan. You may do this during the 31-day extension of coverage you obtained after losing your family member status; or
- You may enroll under TCC provisions.

Your spouse equity enrollment will take effect on the first day of the first pay period after the employing office receives your health benefits election form.

## **IS MY FAMILY COVERED UNDER MY SPOUSE EQUITY ENROLLMENT?**

Only you and the unmarried dependent children born to or adopted by you and your former spouse (the Federal employee or annuitant) are covered under a self and family enrollment. Your unmarried dependent child must be under age 22 or be incapable of self-support because of a mental or physical disability that existed before age 22.

Your children can't be covered under more than one FEHB enrollment. If the employee or annuitant covers the children under his/her FEHB enrollment, you should enroll for self only coverage.

## **ARE MY CHILDREN ELIGIBLE FOR TCC AFTER THEY LOSE COVERAGE UNDER MY SPOUSE EQUITY ENROLLMENT?**

No. Only the children covered under the enrollment of an employee, former employee, or annuitant are eligible for TCC.

If your child loses coverage under you spouse equity enrollment, he/she:

- gets a 31-day extension of coverage, and
  - may convert to an individual contract offered by your health benefits plan,
- unless he/she loses coverage because you canceled your enrollment or didn't pay your premiums.

## **HOW LONG CAN I KEEP MY SPOUSE EQUITY COVERAGE?**

You can keep your spouse equity coverage indefinitely if you pay your premiums on time, don't remarry before age 55, and don't lose your entitlement to an annuity or survivor annuity.

## **CAN I DEFER MY SPOUSE EQUITY ENROLLMENT?**

Yes. Although you must apply within the time limit, you may enroll at any time after the employing office determines that you are eligible.

**MUST I STAY ENROLLED IN THE SAME PLAN I WAS COVERED UNDER AS A FAMILY MEMBER?**

No. You can enroll in any available plan or option, and you can change plans or options during the annual open season or with an event that permits an enrollment change (such as when you become eligible for Medicare).

**CAN I CANCEL MY SPOUSE EQUITY COVERAGE AND REENROLL AT A LATER TIME?**

Generally, if you cancel your spouse equity enrollment, you may not reenroll. However, if you cancel because you:

- become covered as an employee or a family member under another person's FEHB enrollment, or
  - become covered under a Medicare HMO or Medicaid,
- you may reenroll if you lose the other coverage. You must provide documentation of the other coverage when you cancel your spouse equity enrollment.

**BOTH MY FORMER SPOUSE AND I ARE FEDERAL EMPLOYEES WITH FEHB COVERAGE. SHOULD I APPLY FOR SPOUSE EQUITY COVERAGE?**

Yes, it's a good idea to apply and establish your eligibility for spouse equity coverage within the required time frame even if you currently have your own FEHB coverage. If you lose your FEHB coverage as an employee, you can then enroll under spouse equity.

**IF I LOSE MY SPOUSE EQUITY COVERAGE, CAN I ENROLL FOR TCC?**

You may enroll for TCC if, during the first 36 months after your marriage ended:

- Your spouse equity enrollment terminates because you no longer have a qualifying court order, or
- you remarry before age 55.

You must submit a TCC election within 60 days from the date you lose spouse equity coverage. The TCC coverage will end 36 months from the date your marriage ended.

**I'M NOT ELIGIBLE FOR SPOUSE EQUITY. CAN I BE COVERED THROUGH TCC?**

Yes, if:

- you were covered as a family member under the Federal employee or annuitant's enrollment at some time during the 18 months before your divorce or annulment, and
- you or your former spouse notify the employing office within the required time limit that you want TCC.

## **WHAT IS THE TIME LIMIT FOR NOTIFICATION?**

The time limit for notification is 60 days from your divorce or annulment. Either you or your former spouse must notify the employing office in writing that you want TCC. If your former spouse is retired, notify the retirement system.

## **AFTER I NOTIFY THE EMPLOYING OFFICE, THEN WHAT HAPPENS?**

The employing office has 14 days to notify you of your TCC rights and send you an election form. You must return the election form and a certified copy of your divorce decree within 60 days from your divorce date or 65 days after the date of the employing office notice, whichever is later. Your coverage will be effective the day after your 31-day extension of coverage as a family member ends.

## **I DIDN'T FIND OUT ABOUT TCC UNTIL SEVERAL MONTHS AFTER MY DIVORCE. CAN I STILL APPLY?**

No. According to the FEHB law, if you or your former spouse didn't notify the employing office within the 60-day limit, your opportunity to elect TCC ends 60 days after your divorce or annulment.

## **I WAS COVERED AS A FAMILY MEMBER UNDER A FORMER EMPLOYEE'S TCC ENROLLMENT BEFORE MY DIVORCE. AM I ELIGIBLE FOR TCC?**

Yes, as long as your marriage ended before his/her 18-month TCC eligibility period expired. Your TCC coverage ends 36 months after the date of his/her separation from service, not 36 months after the date your marriage ended.

## **IS MY FAMILY COVERED UNDER MY TCC ENROLLMENT?**

Only you and the unmarried dependent children born to or adopted by you and your former spouse (the Federal employee or annuitant) are covered.

## **ARE MY CHILDREN ELIGIBLE FOR THEIR OWN TCC ENROLLMENTS ONCE THEY LOSE ELIGIBILITY UNDER MY TCC ENROLLMENT?**

No. Only the children covered under a former employee's TCC enrollment are eligible for TCC in their own right.

When your child is no longer an eligible family member under your enrollment, he/she:

- gets a 31-day extension of coverage, and
  - may convert to an individual contract offered by your health benefits plan,
- unless he/she loses coverage because you canceled your enrollment or didn't pay your premiums.

**MUST I ENROLL IN THE SAME PLAN UNDER TCC THAT I WAS COVERED UNDER AS A FAMILY MEMBER?**

No. You can enroll in any available plan or option, and you can change plans or options during the annual open season or with an event that permits an enrollment change (such as when you become eligible for Medicare).

**HOW LONG CAN I KEEP MY TCC COVERAGE?**

Generally, your coverage continues for 36 months from the date of your divorce or annulment, as long as you pay your premiums on time.

After your TCC enrollment ends:

- you get a 31-day extension of coverage, and
- you may convert to an individual contract offered by your health benefits plan, unless you lose coverage because you canceled your enrollment or didn't pay your premiums.

**WHERE CAN I GET MORE INFORMATION ABOUT THE FEHB PROGRAM?**

You can find just about anything you need to know about the FEHB Program on the FEHB web site, located at [www.opm.gov/insure/health](http://www.opm.gov/insure/health).