# FEDVIP Carrier Letter
## All Carriers

**U.S. Office of Personnel Management**
**Federal Employee Insurance Operations**

**Letter No. 2013-01**
Dental Plans [1] Vision Plans [1]

**Date:** July 3, 2013

**Subject: Coverage of Same-Sex Spouses**

Section 3 of the Defense of Marriage Act (DOMA) provided that, when used in a Federal law, the term "marriage" would mean only a legal union between one man and one woman as husband and wife, and that the term "spouse" referred only to a person of the opposite-sex who is a husband or a wife. Because of DOMA, the Federal government has been prohibited from recognizing the legal marriages of same-sex couples for purposes of numerous Federal benefits programs.

On June 26, 2013, the Supreme Court ruled that Section 3 of DOMA is unconstitutional. This decision affects coverage under the Federal Employees Dental and Vision Insurance Program (FEDVIP), which is governed by Federal law.

Same-sex spouses of FEDVIP enrollees will now be eligible for benefits currently available to opposite-sex spouses of FEDVIP enrollees. When covered, same-sex spouses have the same privileges as opposite-sex spouses covered under FEDVIP. The purpose of this letter is to provide information that will assist you in implementing this change.

**Changes in Eligibility Rules**

As a result of the Supreme Court's decision, same-sex spouses will now be eligible family members under a Self and Family enrollment or a Self Plus One enrollment. Coverage will be available to a legally married same-sex spouse of a Federal employee or annuitant, regardless of their state of residency. This decision does not extend coverage to registered domestic partners or individuals in civil unions.

In addition, the children of same-sex marriages will be treated just as those of opposite-sex marriages and will be eligible family members according to the same eligibility guidelines. This includes coverage for children of same-sex spouses as stepchildren.

These changes in eligibility are effective immediately; enrollees will have 60 days from the date of the Supreme Court's decision (i.e., until August 26, 2013) to make any necessary enrollment changes.

**Self and Family Enrollees**

Enrollees will be advised to inform BENEFEDS if they have additional family members to add to their enrollment. The effective date of coverage for a newly eligible family member will be the first day of the pay period following the one in which BENEFEDS receives and confirms the enrollment change. BENEFEDS will inform you of any additional family members and provide confirmation to the enrollee of the effective date of coverage. You must follow the same procedures you currently follow when adding an opposite-sex spouse or the child(ren) of an opposite-sex marriage to a Self and Family enrollment, and you should not impose any new rules that could be viewed as having either the purpose or effect of creating barriers to enrollment for legally married same-sex couples.

**Self Plus One and Self Only Enrollees**

We expect that you will receive questions regarding changes to Self Only or Self Plus One under either of 2 events:

- **Acquiring an Eligible Family Member:** The enrollee may change enrollment up to 60 days after the Supreme Court's decision, i.e., until August 26, 2013, as a result of having a newly eligible family member. The change from Self Only to Self and Family or Self Plus One will take effect on the first day of the pay period following the one in which BENEFEDS receives and confirms the enrollment change.

- **Open Season**: The change to Self and Family or Self Plus One will take effect on January 1, 2014.

**Changes Not Allowed**

Just as in the case of a new opposite-sex marriage, the following changes will not be allowed based on having a newly eligible family member:

- **New enrollments.** Eligible employees and annuitants who are not currently enrolled in FEVDIP will not be allowed to enroll based on them having a newly eligible family member.

- **Switching the covered family member in a Self Plus One enrollment.** Enrollees will be instructed to either wait to change their covered family member during the annual Open Season or to switch to a Self and Family enrollment in order to cover their newly eligible family member(s).

- **Cancellation of a FEDVIP enrollment.** In general, cancellations will not be permitted based on acquiring a newly eligible family member. As an exception, some cancellations may occur in order to avoid dual enrollments.

We appreciate your assistance. If you have any questions, please the FEDVIP office at fedvip@opm.gov.

Sincerely,

John O'Brien
Director
Healthcare and Insurance