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Special: All PEMHCA Employers

Circular Letter

TO: ALL PEMHCA HEALTH BENEFITS OFFICERS AND ASSISTANT HEALTH BENEFITS OFFICERS

SUBJECT: Interim Process for Same-Sex Marriage Health Benefit Transactions

This Circular Letter provides guidance to employers regarding the May 15, 2008 California Supreme Court decision that makes the designation of marriage available to both opposite-sex and same-sex couples. As a result, all Public Employees' Medical and Hospital Care Act (PEMHCA) covered employers will therefore be required to accept valid marriage certificates for same-sex couples issued in the State of California after 5:00 p.m. (Pacific time) on June 16, 2008. The marriage certificate will be used to confirm marital status in order to enroll an eligible same-sex spouse and eligible dependent children, if any, into the CalPERS Health Program.

CalPERS is in the process of enhancing the Automated Communication Exchange System (ACES) to accommodate this recent Supreme Court decision. We are making every effort to complete these enhancements as soon as possible. Unfortunately, due to the short implementation time, ACES will not be able to accommodate this recent Supreme Court decision on June 17, 2008. Until the enhancements to ACES are completed, employers are required to follow the below interim process.

New Enrollment

(Employee requests enrollment of same-sex spouse and eligible dependent children.)

1. Employee completes the HBD-12, Health Benefits Plan Enrollment form to enroll the new spouse and eligible dependent children within 60 days of the marriage date. The form is submitted, along with a copy of the marriage certificate, to their Health Benefits Officer (HBO).
2. The HBO will ensure the form is complete and free of errors and will validate the supporting documentation. The HBD-12 should include the social security number of the new spouse and any eligible dependent children, date of birth, and gender of all new enrollees. The HBO completes their portion of the HBD-12, and in the remarks section (box 35) includes the remark: **“Interim Process per CL 600-032-08”**.
3. The HBO faxes the completed enrollment form and a copy of the marriage certificate to CalPERS, fax number (916) 795-3198. The HBO must keep all original forms and a copy of the marriage certificate in the employee's personnel record.
4. CalPERS will enroll the new spouse and eligible dependents and will then notify the health plan of the new enrollment. The effective date will be the first day of the

month following the receipt of all required documentation. The health plan will issue identification cards to the new spouse. The new spouse should receive their identification card in approximately 45 days. The HBO will be able to view the enrollment in ACES in approximately 7-10 business days. Please keep in mind, this is an interim process. Once the ACES enhancements are completed, the HBO will resume the processing of new enrollments due to marriage.

Change of relationship

(Employee submits a marriage certificate and currently maintains a registered domestic partner enrolled on their health plan enrollment).

CalPERS is enhancing the ACES system to enable employers to change the relationship status from domestic partner to spouse provided specified conditions are met. Until this enhancement is completed, employers are required to follow the below interim process.

1. Upon receipt of a valid marriage certificate, the HBO will verify that the spouse is the same person enrolled in the employee's health plan enrollment as a registered domestic partnership.
 - If the spouse is the same person, proceed to step 2.
 - If the spouse is not the same person, the employee may not enroll the new spouse until the existing registered domestic partnership is terminated. The marriage certificate is issued for the new spouse must be after the termination date of the previous domestic partnership. Once all paperwork is submitted, you may process the cancellation of the domestic partner in ACES, and follow the process outlined above "new enrollment" to add the new spouse.
2. The HBO will hold the marriage certificate. Once the ACES enhancements are completed, you will be able to change the relationship status from Registered Domestic Partner to Spouse. We will provide updated ACES user instructions when the enhancements are completed. We anticipate providing you further instructions in July.

Please keep in mind, this is an interim process and the spouse of an employee who was previously that employee's registered domestic partner will continue to maintain health coverage. There will be no break in health coverage.

The attached Frequently Asked Questions (FAQs) will help you and your employees understand how this Supreme Court decision may impact them.

If you have any questions about the information provided in this Circular Letter, please contact the CalPERS Employer Contact Center at **888 CalPERS** (or **888-225-7377**).

Sincerely,

Holly A. Fong, Chief
Office of Employer and Member Health Services

Enclosure: Same Sex Marriage – CalPERS Health Benefits FAQ's