



Overview

As of May 17, 2004, Massachusetts began issuing marriage licenses for same sex couples who wish to marry under a recent Massachusetts Supreme Judicial Court ruling.

Our standard subscriber certificates and benefit descriptions provide coverage for “legal spouses.” Where “legal spouses” are eligible for coverage, our intention is to provide coverage to legally married same sex spouses as we do for legally married opposite sex spouses, to the extent legally permitted.

Enrollment of same sex spouses

The enrollment of same sex spouses will be handled in the same manner that the enrollment process for opposite sex spouses is handled today. If the employer determines that the same sex spouse is a “legal spouse” entitled to health plan benefits that they offer, then we will rely on the employer’s determination and honor the enrollment request for the spouse. The account should provide us with the enrollment documentation that we require today for the enrollment of opposite sex spouses. NHP will not require a copy of the marriage certificate to add the same sex spouse as long as the request for enrollment is made within the employer’s retroactivity guidelines. As a general rule, same sex spouses (like opposite sex spouses) will be eligible for coverage as of the date of their marriage.

Continuation of Coverage

When an employee and/or their spouse and dependents are no longer eligible for benefits under the employer’s plan, they may be eligible for continuation of coverage. Under state law, spouses (either same sex or opposite sex) in insured plans for groups with 2-19 employees are eligible for continuation of coverage. For groups of 20 or more employees, same sex spouses are not eligible for federal COBRA continuation of coverage, because federal law does not recognize same sex marriage. However, in these cases, NHP’s standard policy will be to provide continuation of coverage rights to same sex spouses to the same extent that opposite sex spouses are entitled to coverage under COBRA. Groups with 20 or more employees must decide at the time of enrollment or renewal if they will opt for the continuation of coverage under COBRA.

Domestic Partner Benefits

NHP will continue to offer domestic partner coverage to employers with 10 or more employees.

Please call your NHP representative to discuss how same sex marriage may affect your health plan or if you have any additional questions. NHP also suggests that employers consult with legal counsel regarding the impact of the SJC ruling.

