Stark County Schools Council of Governments
Working Spouse Coverage Rule Frequently Asked Questions

The objective of the Working Spouse Coverage Rule is to require employers to be the **primary** payer of their employees' health claims. It is **not** the objective to remove your working spouse from your plan. Your working spouse may remain on your plan and receive **secondary** coverage through coordination of benefits as applicable.

1. **What is the Working Spouse Coverage Rule?**
   The rule makes a working spouse ineligible for primary coverage under the COG plan if they are deemed to be eligible for their own employer's group health plan. Spouses of District/Entity employees who are eligible for health insurance coverage from their own employer must enroll in that coverage.

2. **How does the Employee Certify Spouse's Eligibility?**
   District/Entity employees must certify whether or not their spouse is eligible for coverage through the spouse's employer on the form titled, Spouse Eligibility Certification which is provided and can also be found in PlanSource under the Documents tab.

3. **What is the effective date of the Working Spouse Coverage Rule?**
   The Working Spouse Coverage Rule is applicable to any **new** employees to the Stark County Schools Council of Governments group insurance plan after June 30, 2015.

4. **What happens if my spouse's employer's annual open enrollment period doesn't coincide with the effective date of the Working Spouse Coverage Rule?**
   a. Any spouse who fails to enroll in any group insurance coverage sponsored by his or her employer (or former employer) or any public retirement plan, as required by the Working Spouse Coverage Rule, shall be **ineligible** for benefits under such group insurance coverage sponsored by your District/Entity.
   b. In compliance with federally mandated HIPAA requirements, your spouse's employer's plan must allow your spouse to enroll in their plan since your spouse will lose the District/Entity's coverage if he or she fails to enroll in his or her employer's plan.

5. **How will my District/Entity know if my spouse has coverage available through his or her employer?**
   a. If you elect family coverage and wish to cover your spouse, you will be required to complete a questionnaire each year. Your spouse's employer must certify whether coverage is available.
   b. If you submit false information in the certification or fail to timely advise the District/Entity of a change in your spouse's eligibility for employer (or public retirement plan) sponsored group health and prescription drug insurance, and such false information or such failure by you results in the District/Entity's plan providing benefits to which your spouse is not entitled, you will be personally liable to the District/Entity's plan for reimbursement of benefits and expenses, including attorneys' fee and costs, incurred by the District/Entity's plan. Any amount to be

reimbursed by you may be deducted from the benefits to which you would otherwise be entitled. In addition, your spouse will be terminated immediately from the District/Entity's group health and prescription drug insurance coverage.

c. If you submit false information, you may be subject to disciplinary action by your District/Entity, up to and including termination of employment.

6. **Are there any exceptions to the Working Spouse Coverage Rule?**
   a. **Spouse Not Employed/Not Eligible**: The rule does not apply if your spouse is not employed or does not meet the eligibility requirements for health and prescription drug insurance coverage from his or her employer or retirement plan.
   b. **Spouse Required to pay for Insurance Premiums**: The rule does not apply to any spouse who is required to pay 40% or more per month of the single coverage premium to participate in his or her employer's group health insurance coverage.
   c. **Spouses Employed by the Same District/Entity or other Entity within the Stark County Schools Council of Governments Insurance Consortium**: Effective after June 30, 2015, spouses employed by the same district/entity or other entity within the Stark County Schools Council of Governments Insurance Consortium may elect one family plan or two single plans if there are no children on the plan. Spouses may not elect two family plans.
   d. **What if the Employee moves from one Stark County Schools Council of Governments District/Entity to another Stark County Schools Council of Governments District/Entity?**
      The rule does not apply to an employee who, prior to June 30, 2015, had insurance with one Stark County Schools Council of Governments employer and, immediately thereafter, moves to another Stark County Schools Council of Governments District/Entity.
   e. **Spouse Enrolled in Medicare**: The rule does not apply to a spouse who is a retiree **AND** enrolled in Medicare.
   f. **High Deductible Health Plan (HDHP) With Health Savings Account (HSA) Sole Option**: The rule does not apply to a spouse whose **only option** is a HDHP that is qualified for an HSA as defined by the IRS.
   g. **What if my spouse has a Health Savings Account (HSA)?**
      The IRS regulations applicable to an HSA do not permit your spouse to have secondary coverage under your District/Entity's plan. For further information regarding an HSA, you may visit http://www.treasury.gov/resource-center/faqs/Taxes/Pages/Health-Savings-Accounts.aspx
   h. **Self-Employed**: The rule does not apply to a spouse who is self-employed (but does apply to a self-employed spouse who has coverage available through his or her business as discussed in #7 below).

7. **What if my spouse is self-employed?**
   If your spouse has coverage available through his or her business, he or she must enroll in that plan. If your spouse does not have coverage available through his or her business, he or she is not required to obtain an individual policy.

8. **If my spouse loses his or her job, or another "qualifying event" occurs causing the loss of his or her primary coverage, is there a waiting period before my spouse is eligible to receive primary coverage under my District/Entity's health care plan?**
   There is no waiting period. Coverage under the Stark County Schools Council of Governments Insurance Consortium plan will become primary upon termination of the other coverage.

9. **Does the Working Spouse Coverage Rule mean that my District/Entity may still provide health care for my spouse?**
   Yes. If your working spouse is enrolled in his or her employer's health/prescription drug plan, and that plan does not include a Health Savings Account, the District/Entity will provide your working spouse with secondary coverage under the District/Entity's plan. Your spouse's employer's plan will be responsible for the initial processing and payment of claims in accordance with the spouse's plan. Any unpaid balances may then be submitted to the District/Entity's plan for processing under Coordination of Benefits.

10. **If my spouse's plan does not cover a procedure or prescription medication but my District/Entity's plan does, will the services be covered under my District/Entity's plan?**
    The claims must first be submitted to the primary insurance plan. If denied, the claim and denial provided on the Explanation of Benefits (EOB) can be submitted under your District/Entity's benefits and processing rules and would be subject to any deductibles, copayments, applicable coinsurance, exclusions or limitations.

11. **If my spouse is disabled, is he or she required to enroll in his or her employer's coverage?**
    Yes. If your spouse meets the eligibility requirements of his or her employer's plan, he or she is required to enroll in their employer's coverage for at least a single premium plan.

12. **Does the Working Spouse Rule apply if the spouse is on Social Security or Medicare?**
    No. It does not apply to a spouse on Social Security or Medicare.

Who do I contact if I have questions?

Please contact Kim Sanford, kim.sanford@apps.sparcc.org or Betty Tyler, betty.tyler@apps.sparcc.org at the Stark County Educational Service Center, or 330-492-8136 if you have any questions regarding the Working Spouse Coverage Rule and/or Coordination of Benefits (COB)