



OREGON REGISTERED DOMESTIC PARTNERS

FREQUENTLY ASKED QUESTIONS

Updated February 22, 2008

1. What are HB 2007 and SB 2?

Oregon House Bill 2007 recognizes and authorizes domestic partnerships in Oregon. This legislation was to take effect January 1, 2008. A subsequent legal challenge stayed the application of this statute until it was heard and reviewed by the Federal District Court. The court upheld the legislation.

A domestic partnership is defined by the law to mean “a civil contract entered into in person between two individuals of the same sex who are at least 18 years of age, who are otherwise capable and at least one of whom is a resident of Oregon.”

HB 2007 provides that a privilege, immunity, right, or benefit that is granted to an individual (by a statute, administrative or court rule, policy, common law, or any other law) because of a marital relationship, must be granted on equivalent terms to an individual in a domestic partnership. The law also applies to individuals who were in a domestic partnership, and to those who have a specific relation because of the domestic partnership (for example, the children of domestic partners).

In addition, Oregon Senate Bill 2 prohibits discrimination in providing employment benefits, public accommodations and housing, as well as in other specific situations, based upon race, religion, color, sex, national origin, sexual orientation, or familial status.

2. Why is the registered domestic partner language being added to books and contracts?

The Oregon Insurance Division interprets HB 2007 to mandate that insurance contracts must permit registered domestic partners to be eligible on the same basis as married spouses.

3. What if an employer group does not want to cover registered domestic partners?

HB 2007 is an employer mandate. We cannot advise an employer group on this. They should consult their own attorney to determine if they can choose to exclude registered domestic partners from coverage. However, HB 2007 still requires us to include the language in the members' benefit handbooks regardless of the employer's coverage election.

4. What if an employer does not want the language in their handbooks?

Eventually all non-ASO groups will be required to have such language in their handbooks and contracts, and, starting January 1, 2008, we are adding such language as we produce new books for groups.

5. Is there any room for exceptions?

Small employer groups (2 to 50 employees): We will add domestic partner eligibility language to their contracts as they renew January 1, 2008, and after. We are unable to offer any flexibility on delaying this provision.

Large employer groups (51 or more employees) that renew January, February, or March 2008, may choose to postpone domestic partner language until their 2009 renewal if they notify us in writing on their company letterhead by March 31, 2008. We are not encouraging large employers to do this, but we will accept requests. We will require each employer group that postpones implementation of domestic partner coverage to provide us with a letter from the owner or group administrator stating that is their choice. We will not accept e-mail or verbal notification, nor will we accept a letter from the agent.

Large groups renewing April 1, 2008 and after: We will add domestic partner language to their contracts at renewal. We are unable to offer any flexibility on delaying this provision.

All size groups: If an employer would like to implement this provision early, we will honor such requests and accept applications for registered domestic partners effective immediately (same enrollment rules as new family members acquired by marriage).

6. If a large group wants an exception, what do we require?

We will require each employer group (January, February, or March renewals) that postpones implementation of domestic partner coverage to provide PacificSource with a letter stating their choice. We must receive the letter in writing from the owner or group administrator by March 30, 2008. We will not accept e-mail or verbal notification, nor will we accept a letter from the agent.

7. If a large group receives an exception, but previously received handbooks with the registered domestic partner language in them, what will we do?

We will provide the group with addendums to distribute to their members to attach to the handbooks. The addendum will state when the registered domestic partner eligibility becomes effective for that group. We will remove the registered domestic endorsement so that any future handbook orders will not contain the language until their exception expires.

8. If a group already has a same-gender or any-gender domestic partner endorsement, how will this change for them?

Unless the group tells us otherwise in writing, their current domestic partner rules will remain in place. If the domestic partners are registered, they will no longer have to meet all the requirements outlined in the endorsement.

9. When are registered domestic partners eligible?

We will accept applications for registered domestic partners after February 4, 2008, whether or not the group has yet renewed (applications submitted prior to renewal are subject to employer approval). Applications must be submitted within 31 days of the certificate being issued or 31 days after the group renews. The same rules apply to individual policies.

10. What are the eligibility and enrollment rules for new registered domestic partners?

They follow the same rules as married couples, except in regard to continuation policies.

11. What are the enrollment rules for children of registered domestic partners?

They have the same enrollment and eligibility as a natural child, stepchild, or adopted child of a married couple. This includes the ability to enroll the child of a registered domestic partner without enrolling the registered domestic partner, since we allow this for dependent children of a married couple.

12. Is the employer required to submit copies of the Certificate of Registered Domestic Partnership?

We will not ask for copies of the Certificate of Registered Domestic Partnership with enrollment applications, except in the case of a domestic partner's child enrolling without the domestic partner. Although we will not require copies of certificates when the domestic partner enrolls, employers may do so if they think it is appropriate in the administration of their plan's eligibility provisions or necessary for their own records.

13. What are the tax implications?

We can not advise an employer group on this. They should consult their own accountant.

14. What are the continuation rules for registered domestic partners and their children?

COBRA regulations do not recognize domestic partners (or their dependent children) as qualified beneficiaries. Only qualified beneficiaries have COBRA rights. However, an employer group plan can extend continuation rights to anyone as long as they meet minimum requirements. Groups of 100 or more employees may request additional continuation provisions (the ability of a domestic partner to continue independently of the employee) for their PacificSource group plan.

State continuation applies to domestic partners to the same extent that it applies to a spouse and enrolled dependent children. In such cases, a dissolution of a domestic partnership is equivalent to a divorce.

If a former employee is on COBRA continuation, we will also allow their registered domestic partner and children to continue coverage. However, the partner cannot continue coverage unless the former employee also does.

PacificSource chooses not to extend continuation coverage beyond what the law requires, except as noted above. Portability rights apply to anyone losing group health coverage and who has met the qualifying criteria.

15. Must an employer make the same premium contribution for domestic partners as for spouses?

Domestic partners have the same premium as married spouses. If an employer pays any portion of the premium for spouses, the employer must also pay that same amount toward the premium for registered domestic partners.