HEALTH INSURANCE

New York’s Marriage Equality Act: Getting Health Insurance Coverage

How do I enroll my spouse into my health plan?

You must contact your employer or health plan within 30 days of getting married to add your spouse as a dependent. Usually, you will have to complete an enrollment form, submit a copy of your marriage certificate, and provide identifying information such as your spouse’s date-of-birth and social security number.

I plan to marry my partner and want to add her to my job-based plan. Can I do this under NY’s Marriage Equality Act?

Probably Yes. State and local government employers that offer dependent coverage must offer coverage to same-sex spouses. Private employers that offer dependent coverage under insurance policies purchased in New York must also extend coverage to your spouse. But self-insured plans and federal agencies do not have to comply.

What is a self-insured plan?

A self-insured plan is when an employer pays for employees’ health care without buying a policy from an insurance company. The employer pays for the claims directly. These plans are not regulated by state government. It’s hard to know if you have a self-insured plan, because an insurance company often administers the plan for the employer, so enrollees still have a normal-looking insurance card.

Can I get COBRA if I divorce my same-sex partner?

Probably Yes. Most plans will offer you COBRA after a divorce, but self-insured plans are not required by law to do so.

I already got married to my partner out-of-state. Is my insurer required to recognize our marriage?

Legal same-sex marriages performed in other jurisdictions are recognized by New York State law, so your spouse may be added to your insured health plan. But, if you’ve already been married and did not enroll your spouse during the 30-day special enrollment period, you will have to wait until the next annual open enrollment to add him or her to the plan.

Will it affect my eligibility for New York’s public or subsidized health insurance if I marry my partner?

It might. New York State public health insurance programs treat same-sex marriages the same way they treat opposite-sex marriages. Since marriage can change your household size and/or income, it can affect your eligibility for New York’s public and subsidized health insurance programs.

Do I have to marry my partner if she is on my plan as a domestic partner?

Public and private employers do not have to extend health insurance coverage to domestic partners in same-sex and opposite-sex relationships, but many do. Now that gay marriage is legal in New York, some employers may change their plans to offer coverage only to married couples.

For more information contact:

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