

# DEPENDENT ELIGIBILITY VERIFICATION

MAKE SURE EVERYONE YOU COVER MEETS ONE OF THESE DEFINITIONS

OEBB WILL BE CONDUCTING A DEPENDENT ELIGIBILITY VERIFICATION (DEV) REVIEW IN EARLY 2012. IF YOU HAVE ANY DEPENDENTS ON YOUR PLAN WHO DO NOT MEET ONE OF THESE DEFINITIONS, YOU MUST REMOVE THEM DURING THIS OPEN ENROLLMENT PERIOD.

## DEFINITION OF "CHILD"

"Child" means and includes the following:

(a) An eligible employee's, spouse's, or domestic partner's biological son, daughter, stepson, or stepdaughter; adopted child, child placed for adoption, or legally placed child, who is 25 or younger on the first day of the month. An eligible employee must provide the required custody or legal documents to their Educational Entity showing proof of adoption, legal guardianship or other court order if enrolling a child for whom the employee, spouse, or domestic partner is not the biological parent.

Note: OEBB no longer accepts Affidavit of Dependency or notarized documents for the purpose of establishing eligibility of a child for whom the employee or spouse/ domestic partner are not the biological parent. Legal guardianship must be confirmed by a court-prepared and -signed document.

(b) A person who is incapable of self-sustaining employment because of a developmental disability, mental illness, or physical disability. There is no age limit for a dependent child who is incapable of self-sustaining employment because of a developmental disability, mental illness, or physical disability. When the dependent child is 26 years of age or older all the following requirements must be met:

- i. The disability must have existed before attaining age 26.
- ii. The employee must provide evidence to the Educational Entity or OEBB that (1) the person had health plan coverage, group or individual, prior to attaining age 26, and (2) health plan coverage continued without a gap until the OEBB health plan effective date.
- iii. The person's attending physician must submit documentation of the disability to the eligible employee's OEBB health insurance plan for review and approval. If the person receives health plan approval, the health plan may review the person's health status at any time to determine continued OEBB coverage eligibility.
- iv. The person must not have terminated from OEBB health plan coverage after attaining the age of 26.

(c) Eligibility for coverage under this rule includes people who may not be dependents under federal or state tax law and may require an Educational Entity to adjust an Eligible Employee's income based on the imputed value of the benefit.

## DEFINITION OF "SPOUSE"

"Spouse" means a person of the opposite sex who is a husband or wife. Except as provided in Oregon Constitution Article XV, Section 5a, a relationship recognized as a marriage in another state will be recognized in Oregon even though such a relationship would not be a marriage if the same facts had been relied upon to create a marriage in Oregon. The definition of spouse does not include a former spouse and a former spouse does not qualify as a dependent.

## DEFINITION OF "DOMESTIC PARTNER"

"Domestic partner," unless otherwise defined by a collective bargaining agreement or documented district policy in effect on January 31, 2008, means and includes the following:

(a) An unmarried individual of the same sex who has entered into a "Declaration of Domestic Partnership" with the eligible employee that is recognized under Oregon law; or  
(b) An unmarried individual of the same or opposite sex who has entered into a partnership that meets the following criteria:

- i. Both are at least 18 years of age;
- ii. Are responsible for each other's welfare and are each other's sole domestic partners;
- iii. Are not married to anyone and have not had a spouse or another domestic partner within the prior six months. If previously married, the six-month period starts on the final date of divorce;
- iv. Share a close personal relationship and are not related by blood closer than would bar marriage in the State of Oregon;
- v. Have jointly shared the same regular and permanent residence for at least six months immediately preceding the date the Affidavit of Domestic Partnership is signed and submitted to the Educational Entity; and
- vi. Are jointly financially responsible for basic living expenses defined as the cost of food, shelter and any other expenses of maintaining a household. Financial information must be provided if requested.
- vii. The eligible employee and domestic partner must jointly complete and submit to the Educational Entity an Affidavit of Domestic Partnership form, within five business days of the electronic enrollment date or the date the Educational Entity received the enrollment/change form. If the affidavit is not received, coverage will terminate for the domestic partner retroactive to the effective date.

(c) The domestic partner must notify the Educational Entity within 31 days of meeting all criteria as defined in 111-010-0015 (15)(b) or obtaining the "Declaration of Domestic Partnership" which is recognized under Oregon law.

(d) Educational Entities must calculate and apply applicable imputed value tax for domestic partners covered under OEBB benefit plans.

## QUESTIONS?

IF YOU HAVE ANY QUESTIONS ABOUT ELIGIBILITY OR YOUR BENEFITS, PLEASE CALL OEBB MEMBER SERVICES AT 1-888-4MY-OEBB (1-888-469-6322) OR E-MAIL: [OEBB.BENEFITS@STATE.OR.US](mailto:OEBB.BENEFITS@STATE.OR.US)