

## Spousal Surcharge FAQs

1. **What is the Spousal Surcharge (SPSU)?**
  - a. The Spousal Surcharge is a monthly charge you will pay, in addition to your regular medical plan coverage premium, if your working spouse has access to other employer-sponsored medical coverage but you choose to enroll him or her as a dependent on your PEIA plan. It is a statutory requirement under West Virginia Code §5-16-13(2).
  
2. **How much is the spousal surcharge?**
  - a. The spousal surcharge ranges from \$332 to \$355 for FY26 and \$433 to \$560 for FY27 **per month** per policyholder - not per paycheck, depending on the specific plan in which the member is enrolled. The amount varies by, “*the actuarial average*” of the cost of covering a spouse who has health insurance available to them through their employer.
  
3. **The cost of health insurance through my spouse’s employer is extremely expensive and we cannot afford it. Do I still have to pay the PEIA SPSU surcharge?**
  - a. “Yes” - If your spouse has health insurance available to them through their employer, by law the surcharge applies.
  
4. **Is the cost of the other employer-sponsored coverage a factor in determining application of the SPSU surcharge?**
  - a. “No”
  
5. **I am a retiree but my spouse works, will I be charged the Spousal Surcharge Fee?**
  - a. “No”
  
6. **Does the Spousal Surcharge apply if I enroll my spouse in PEIA’s dental and vision coverage through FBMC but not in PEIA’s medical coverage?**
  - a. “No”

- 7. My spouse has primary insurance through his employer. He is also enrolled on my PEIA insurance as secondary. Will I still be assessed the Spousal Surcharge Fee?**
  - a. "Yes"
  
- 8. My spouse works part-time - is a contractor - or is a 1099 employee - but has health insurance available to them through their employer(s). Will I have to pay the SPSU surcharge?**
  - a. "Yes" - West Virginia Code §5-16-13(2) does not address issues such as work hours or the terms and conditions of the spouse's employment. The Code only addresses the availability of other insurance through their spouse's employer.
  
- 9. I am actively working and my spouse has Medicare Part A but is actively employed and his current employer offers insurance. Will I have to pay the surcharge?**
  - a. "Yes"
  
- 10. If my spouse has Medicare/Medicaid, TriCare or VA Benefits do I still have to pay the surcharge?**
  - a. "No"
  
- 11. Do I have to pay the SPSU for my dependent child on my policy?**
  - a. "No"
  
- 12. Is the Spousal Surcharge waived because I enroll my spouse in both his or her employer's medical plan as primary and PEIA's medical plan as secondary?**
  - a. "No"
  
- 13. My spouse and I both have PEIA insurance. My spouse is on my plan. Why am I being charged the SPSU?**
  - a. If PEIA does not have your Plan listed with an Employee/Employee Spouse (ESPS) attribute and/or your spouse is not carrying Basic Life with PEIA through his/her participating PEIA agency, then the SPSU surcharge will be assessed. If you provide proof of your spouse's current employment with an agency that participates in PEIA, the surcharge can be waived from that point forward.

- 14. My spouse is retired from the military but now has a job with an entity that offers health insurance. Do I have to pay the SPSU?**
- "Yes" - If the spouse has health insurance available to them through an employer, then the SPSU surcharge applies.
- 15. My spouse works 9 months out of the year and then goes on low earnings or unemployment for the other 3 months. While working, they have insurance available to them - do I have to pay the SPSU?**
- "Yes" - You will need to change your SPSU status each and every time your spouse gains insurance eligibility or loses insurance eligibility.
- 16. My spouse is off work and is applying for disability but they are still on his employer's health insurance pending the disability application, do I have to pay the SPSU?**
- "Yes"
- 17. If my spouse has access to Veterans' Administration (VA) benefits or Tricare and I enroll him or her in the PEIA medical plan, does the Spousal Surcharge apply?**
- "No"
- 18. I am going through a divorce and am separated but I have to carry my spouse on my insurance(s) until the divorce is final. My spouse does have access to health insurance through his/her employer. Do I have to pay the SPSU surcharge?**
- "Yes" - Even if you are going through a divorce you have to pay the SPSU surcharge unless you are allowed to remove the spouse from your insurance(s) by the Judge handling the divorce, or you remove the spouse when the divorce is final. Divorces must be reported immediately to PEIA.
- 19. I forgot to send in my form and have been paying the SPSU surcharge. Can I get a refund?**
- "No" - The surcharge will also apply if you fail to complete or were late turning in the required Spouse Medical Plan Surcharge Affidavit. Spouse surcharge refunds are not retroactive, and are not allowed for failure to turn in the form or turning the form in late.
- 20. My spouse has health insurance through healthcare.gov - the "Marketplace" - do I have to pay the SPSU surcharge?**

- a. “No” - Health insurance through the market place is not, “employer sponsored” therefore the SPSU surcharge would not apply.

**21. Will eligibility for any type of employer-sponsored coverage make the SPSU surcharge apply?**

- a. “Yes”

**22. Can I appeal the application of the SPSU surcharge?**

- a. “Yes” - You can appeal the application of the SPSU surcharge, however, it is based on West Virginia Law §5-16-13(2) and, in order to prevail on an appeal, you would need to prove that your spouse did not have an employer sponsored health insurance plan available to them.

**23. What if the spouse is only eligible for an employer-sponsored “mini-med” plan or other limited plan coverage? Do I have to pay the SPSU surcharge?**

- a. “Yes” - West Virginia Code §5-16-13(2) does not address the factors of minimal coverage(s) and/or other factors. The Code only addresses the availability of other insurance through the spouse’s employer.

**24. How does the Spousal Surcharge work as it relates to spouses who have an open enrollment period or medical plan year that does not align with PEIA’s open enrollment period or medical plan year?**

- a. The Spousal Surcharge applies from July 1 through the date that your spouse is removed from PEIA medical plan coverage, assuming that your spouse is eligible for coverage under his or her own employer’s plan. This applies regardless of your spouse’s employer’s medical plan-year cycle. You can call your spouse’s employer to see if our change, or his or her loss of coverage, constitutes a “qualified status change” or “life event.” If so, your spouse may be able to move to his or her own employer’s coverage and be removed from PEIA’s coverage effective July 1. From PEIA’s perspective, our medical plan would consider this change in a spouse’s employer’s plan as a life event, per the language excerpted from our Summary Plan Description (SPD).

**25. How will PEIA know if my spouse has health insurance available to them through his/her employment?**

- a. PEIA has the authority to conduct audits and reserves the right to use any and/or all resources at the State’s disposal to ensure compliance with the West Virginia Code.