Immediate Eligibility Events



Eligibility

- What constitutes an immediate Qualifying event
- Necessity of Changes in Status
- Updated QE procedures
- Non-US Citizen Status
- National Child Support Order
- Odds and Ends

Events that “immediately” affect eligibility typically are:

a) Divorce – ex-spouse and any step-children are no longer eligible under the member’s plan

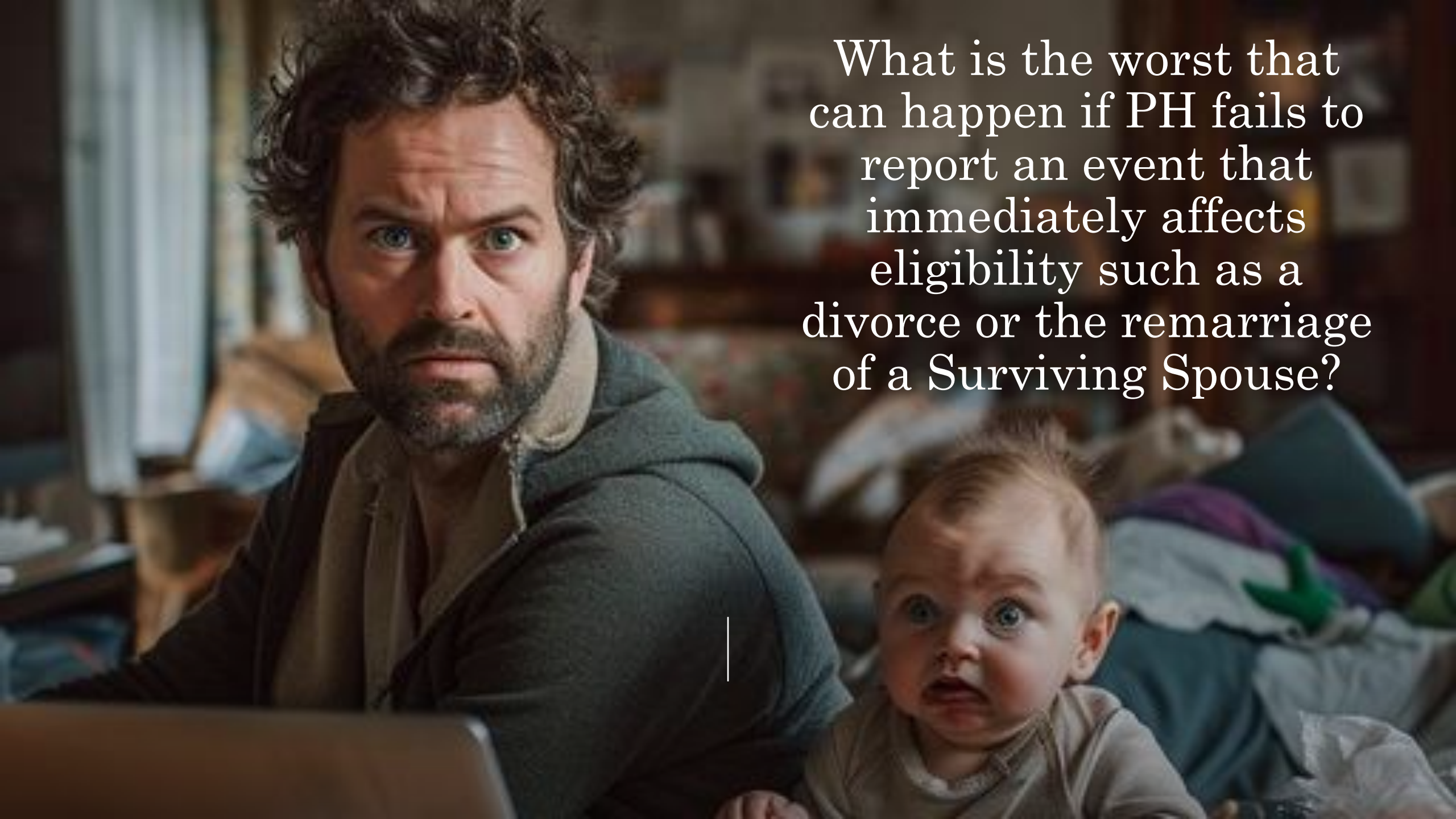
b) Remarriage of a Surviving Spouse – the re-marriage ends their eligibility as a Surviving spouse under the PEIA Plan.

c) Incarceration of a dependent – PEIA does not provide coverage for persons in State or Federal custody. Coverage may be reinstated upon release from incarceration if the dependent still meets other PEIA eligibility guidelines.

d) Incarceration of the policyholder – this situation also results in the ineligibility of dependents as the dependents are only eligible based on the policyholder member’s eligibility.

e) Removal of a dependent from the home and them being placed in the custody of the State, e.g. foster care, a detention facility, or other State mandated placement

f) Termination of a Legal Guardianship of a minor dependent by a court.



What is the worst that can happen if PH fails to report an event that immediately affects eligibility such as a divorce or the remarriage of a Surviving Spouse?

Consequences

There may be serious consequences for not reporting a divorce or the remarriage of a Surviving Spouse "immediately" as required by PEIA Plan rules.

In most cases the consequences are:

(a) having to re-pay your employer for their share of the premiums they paid on behalf of your ex-spouse, e.g. the difference(s) between Employee Only and/or Employee/Children coverage and Family coverage, and;

(b) having to re-pay PEIA for all medical and pharmacy claims paid on behalf of the ineligible ex-spouse and/or dependents after their date of ineligibility, and;

(c) PEIA may block the addition of any new dependents to the policyholder's plan until such time as their debt(s) to the State are paid in full.

*The West Virginia Division of Personnel has issued guidance that states that the failure to repay premiums to the employer may result in disciplinary action up to and including termination of employment based on circumstances. The failure to repay PEIA for claims paid may result in an Administrative proceeding where the policyholder may get a judgment against them and further result in the termination of all future benefits.



Divorce

Can I just wait until open enrollment to take my ex-spouse off my insurance or report my remarriage as a surviving spouse?

No – per the PEIA Summary Plan Description, events which affect eligibility must be reported “immediately” and in no case greater than thirty (30) days after the event.



The following are NOT considered “reporting a divorce immediately” as per the PEIA Summary Plan Description:

a) Calling PEIA and saying, “I’m divorced.”
b) Verbally telling your employer that you are divorced
c) Telling a co-worker to tell your employer that you are divorced
d) Sending an e-mail to your employer that says that you are divorced
e) Completing a Change-in-Status form (or completing the comparable transaction on the Manage My Benefits website) months after the divorce event and stating, “I just now got a copy of the Order.”
f) “I am waiting on my attorney to send me a copy of my Order.”
g) Saying, “I went through a rough time with my divorce, and I forgot to notify my employer and/or PEIA…”

New Policy

Due to the Bifurcated divorces and requirements to keep ex on PEIA coverage, PEIA now requires that the full divorce decree be sent to PEIA.

Bifurcated Divorce

- A bifurcated divorce is one in which the marriage between spouses is terminated, but other issues, such as the division of property, alimony, child support or custody arrangements, are left to be determined later or at trial.

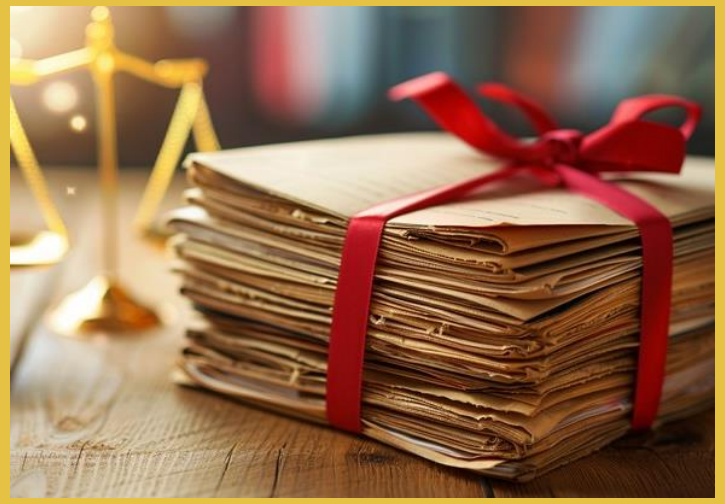
- It is often used when one of the spouses wishes to remarry and resolve other issues such as child custody or the division of marital assets in the future.

- The now ex-spouse and any step-children are no longer eligible for PEIA coverage under the policyholder.

- PEIA uses the date of the dissolution of the marriage as the “final date” and not the date where all other matters are settled



Reporting Divorce



To report a divorce, you must complete a Change-in-Status form or the comparable eligibility transaction on the Manage My Benefits website and submit it through your employer (if employed), or directly to PEIA if you are a retiree.

Parties to the divorce can get copies of their Final or bifurcated divorce decree from the Circuit Clerk in the jurisdiction where the divorce proceeding was conducted. The copies are available on the date that they are filed with the Clerk of the Court.



The legal responsibility of the policyholder to provide the required documentation is supported in the West Virginia Code §5-16-12a. Inspections; violations and penalties which states:

"Employers and employees participating in any of the Public Employees Insurance Agency plans shall provide, to the director, upon request, all documentation reasonably required for the director to discharge the responsibilities under this article.

Insurance Mandate to cover Ex and/or Step-kids



- Why can't I cover them on my insurance if the Court ordered me to provide insurance for them?

- A: Neither PH, nor attorney, have any right or authority to bind the State or employer to any terms or conditions of a civil divorce order. If PH agreed to provide insurance for an ex-spouse, then they will need to purchase COBRA coverage (offered for a limited time through UMR) or procure coverage on the market or through another private plan.



Audits

If I don't report my divorce – or my remarriage as a Surviving spouse - how will PEIA ever know?

- PEIA regularly conducts eligibility audits and has access to records through the following entities: West Virginia DHHR Bureau for Vital Statistics; the West Virginia Supreme Court; Circuit Clerk records; the Social Security Administration Death & Divorce file; The Office of the Inspector General of the West Virginia Insurance Commission; and other agencies.
- If PEIA discovers an unreported divorce or remarriage, we pursue all legal remedies to recover medical and prescription claims paid and may refer the alleged violations for possible prosecution for insurance fraud.

By not reporting the divorce or remarriage as a Surviving Spouse, you may be committing a crime – or a series of crimes. Sadly, PEIA has been compelled to pursue criminal prosecution in certain cases

Insurance Fraud

WEST VIRGINIA CODE §5-16-12a. Inspections; violations and penalties



Visas

As a Benefit Coordinator if you have an employee here in the U.S. on a visa, are they eligible for coverage(s)?





YES – If:

They are here in the U.S. legally and have the proper documentation to support that situation.

- There are many different types of visas, and each case must be reviewed individually. Being a State Employer Sponsored health plan, certain federal laws prohibit PEIA from issuing coverages for person whose immigration status is not valid or clear.
- As such, PEIA will require copies of visas and/or other U.S. State Department issued immigration documents.
- PEIA often receives expired visas or expired applications for renewals. PEIA cannot grant nor continue coverages for policyholders and/or dependents who exact immigration status is undetermined or “pending”. An application for a Visa or a Visa extension is not grounds for the granting nor the extension of coverage(s) under PEIA.

Visas – Class(es) F, H, J, T, TN, TND, etc.
b. I-9 forms
c. I-130 forms
d. I-765 forms
e. I-797A or B forms
f. STEM extension documents – See: https://www.uscis.gov/working-in-the-unitedstates/students-and-exchange-visitors/optional-practical-training-extension-forstem-students-stem-opt g. Visa extension documents – See: https://www.uscis.gov/visit-the-unitedstates/extend-yourstay

Immigration Status

If PEIA receives an Enrollment Form or a Change-In-Status form with a valid visa or other immigration documents, the coverage will be approved and set to term (end) on the expiration date of the immigration documents expiration.



J-1 Visa

J-1 Visas are typically a Student Visa and are normally prohibited from working more than 20 hours per week which would preclude them from being eligible to pick up PEIA coverage.

They can get a written waiver from the U.S. C.I.S. allowing them to work >20 hours per week in order to meet the statutory PEIA eligible employee requirement

R-1 Visa

“R-1” Visa is a “Religious” Visa and holders of these types of Visas are typically prohibited from working outside of the religious framework stated in their Visa application.
“R-1” Visa holders can be enrolled in PEIA as dependents. PEIA can enroll persons as a policyholder with additional endorsements such as an “R-1 / F-1” endorsement



Enrollment with a Visa

To add a dependent with a Visa, i.e. B-2, F-2, J-2, H-2, H-4, etc., to a policyholder's plan, PEIA is required to see all of the immigration documents for the sponsoring policyholder member if that policyholder member is not a U.S. citizen.

Therefore, it is best to use paper forms to enroll if you are supplying Visas.

Extensions

PEIA can enroll persons who have been granted an extension in writing to stay in the united states while their application for an extension or their application for a waiver is being reviewed. PEIA requires copies of that granting of the extension.

PEIA cannot enroll persons whose visa(s) is/are expired; persons who have "applied" for extension(s) and/or waiver(s) that have not been granted or have been denied; nor any other persons whose immigration status is in question.

PEIA will apply the salary tier(s) listed on the U.S. C.I.S. documents to determine the policyholder's salary tier, and that information will override any salary tier information submitted by the employing agency.



- PEIA is an "Employer Sponsored Health Plan" whereby the "Employer" is the State of West Virginia, any "Employee" covered under the PEIA Plan(s) must be legally permitted to work in the United States in addition to meeting PEIA's other requirements, i.e. working at least twenty (20) hours per week

Enrollment Documents

Failure of an employee and/or an employer to provide the required immigration documentation necessary to establish eligibility during the PEIA defined qualifying event timeframe of the month of the event plus the following two (2) months (not 90 days) is not considered to be grounds for an appeal of a denial of eligibility.



Affordable Care Act

To enroll PEIA needs valid SSNs or VSSNs.

PEIA cannot accept generic and/or "created" SSNs. They are kicked out when data validation is completed with the State Tax Department, WV OASIS, and/or the IRS for IRS 1095 reporting.

The submission of "bad" SSNs can result in fines and/or penalties for the submitting employers.



Adoptions

Not So Straight Forward

Adoptive parents have the same rights as a biological parent, including the right to keep the adopted dependent on their insurance coverage until age 26.

Many adoption contracts place the “physical custody” of the adoptee with the prospective parents but have language that clearly states that the “legal custody” remains with a third party. PEIA eligibility rules require that the policyholder member have “legal custody” in order for a dependent child to be covered

Foreign Adoption

- Documentation Must be translated into English and PEIA is not responsible for the translation.

PEIA is an Employer Sponsored health plan where the “Employer Sponsor” is the State of West Virginia, and it is promulgated under and complies with applicable West Virginia law. PEIA cannot be compelled to comply with the law(s) of any other state and/or any other country, nor other entities such as the European Union

PEIA will not pay for any care for an adopted child, such as that which may be required by a foreign country, e.g. vaccinations, inoculations, shots, corrective surgeries, medical exams, dental work, etc., required by that foreign country in order for the adoption to proceed.

Private Adoption

Many private adoption agencies require the prospective adoptive parents to sign a contract agreeing to pay for any and/or all care for the potential adoptee. Policyholder members and/or their spouses do not have the authority to sign a contract binding the State and/or their employer(s) to paying for the care of an as yet to be determined eligible dependent. Policyholder members sign said contracts at their own risk.





Newborn

It is the policyholder's responsibility to obtain the required documentation from the Bureau of Vital Statistics, the County Registrar, or the Social Security Administration. Upon receipt of proper documentation, PEIA will add coverage for the newborn child retroactively to the date of birth.

If you do not have the official State-issued birth certificate and Social Security number, PEIA will add "pended" coverage for ninety (90) days for the newborn.

Termination of Newborn Coverage



If the documentation is not received within that 90-day period, the coverage for the dependent will be termed (cancelled). Upon cancellation of coverages, the dependent child may be re-added during the next Open Enrollment period with the proper documentation, e.g. copy of birth certificate and a copy of the Social Security card. PEIA cannot guarantee the back-dating of coverage, even upon appeal,

National Medical Support Order

A National Medical Support Order is a federal document that is typically issued through a Child Support agency that requires the named party to carry health insurance, if available, through their employer.

Inherent in the Order is a presumption of parental responsibility for the listed dependent(s). PEIA, as a State agency, is compelled to comply with all National Medical Support Orders it receives.

National Child Support Order



Upon receipt of a National Medical Support Order or Notice, PEIA will give the member thirty (30) days to do a Change-in-Status form or the comparable eligibility transaction on the Manage My Benefits website and add the listed dependents.

If the member refuses to complete the Change-in-Status form or transaction, PEIA can and will administratively add the listed dependent children to the member's plan. If the National Medical Support Order or Notice is marked to add, "any and/or all health insurance available", then PEIA may also add family dental and vision coverages, as well, if offered through PEIA or its contracted vendor

A Policyholder will not be able to drop coverages on a dependent covered under the NMSO unless there is documentation from an authority having jurisdiction provided to PEIA that the Order is no longer in effect.

Section 125 Update

Update to have the Section 125 language to match the question on the enrollment forms

Please be aware that a change to critical data entry is forthcoming in Benefit Coordinator Data Entry (BCDE) in MMB.

Starting September 1, 2024, the question in BCDE regarding participation in the IRS Section 125 Premium Conversion Plan will change to match the paper enrollment form.

BCDE will change to ask if the member wishes to participate if available. This is how the question is asked on the PEIA forms on which you may be basing your entries into BCDE.

The vast majority of your entries should be "Yes" once this change is made. By selecting yes, both the employer and employee will benefit from reduced payroll withholding. (Tip: Employees close to retirement age may wish to not participate as this would enhance their Social Security Income.)

Language Change



To further clarify, the existing and future language is below for your review:

Current Language:

Does the member wish to opt out of the IRS Section 125 Premium Conversion Plan sponsored by PEIA, if available?

Upcoming Revision:

Does the member wish to participate in the IRS Section 125 Premium Conversion Plan sponsored by PEIA, if available?

Spousal surcharge



- Spousal Surcharge was created by the legislature for State Agencies, Board of Educations and colleges and universities.
- It ***will be*** audited eventually.
- Please remind your employees of what will happen when they are found and will have to repay all the surcharges per month.

Gender Change

- PEIA will accept any valid government - State or Federal - form of identification that affirms a gender. PEIA will also accept other relevant documents such as official State modified birth certificates (not hospital type and/or ones issued by associations and/or organizations); copies of Court Orders issued by a Court of competent jurisdiction, and; verifiable documents from a legal authority in a foreign jurisdiction.

Such documents would include, but are not necessarily limited to:

1) A State issued driver's license or non-driver's identification card

2) A U.S. Military ID

3) A U.S. Passport

4) A U.S. Visa issued by the U.S. Customs and Immigration Enforcement Agency

5) Court Order stating the gender change

6) Copy of an official - State, Tribal, or Territorial - modified birth certificate

7) Any other type of document should be submitted to PEIA Legal for review and verification.

Leave of Absence

Leave of Absence in Manage My Benefits is a **reporting** function only.

BCs enter the LOA in the online portal, and it does **not change** their coverage.

King's Daughters' facilities are now in Network for PEIA.

Effective 7/1/24 Boyd County, Kentucky and Washington County, Ohio will have the same rules apply as in all other contiguous counties.

Virgin Pulse
New Wellness Program

PEIA has partnered with Virgin Pulse, a leading health and wellbeing company, to offer a new health and wellness platform starting July 15, 2024! PEIA PPB Plan policyholders will have the opportunity to earn $100 in Pulse Cash every year by getting their routine health screenings, taking a Health Assessment, tracking their steps and many other activities. They'll also have the opportunity to work with a coach to change old habits or develop new ones.

Pulse cash will be earned quarterly, with a total of $100 available throughout the year. Pulse Cash can be used to purchase gift cards or other merchandise in the Pulse Store or can be donated to charity. This is a strictly voluntary program and will have no effect on PEIA premiums or eligibility.

Getting started

State agencies on wvOASIS (not MU and WVU) will be in W2, Non-States and BOE's will get a file from WCS to load into their payroll system



1. SIGN UP! Visit join.virginpulse.com/PEIA or download the app and select Create Account.



2. Complete your Health Check Survey and help individualize your program



3. Set up a challenge and invite some friends.



4. Choose a healthy behavior or two and track these habits.



5. Sync a device to share your workouts and other health information with the platform.



6. Check out the video library and



7. Sign up for a coach to help you navigate through behavior change.

Confused?

