

Employee Benefits Division Policy Memorandum

Number: Policy Memo 57r5
Date Issued: February 22, 2024
Subject: Regaining NYSHIP Dependent Eligibility

PURPOSE

Determine if a dependent child who lost NYSHIP eligibility can regain coverage after a change in circumstance. This memo will address situations when a child loses eligibility due to marriage, loss of student status, or loss of disabled dependent status.

BACKGROUND

As a provision of the Patient Protection and Affordable Care Act (PPACA), dependent children are eligible to remain on health insurance coverage up to age 26, regardless of student or marital status. Effective January 1, 2024, NYSHIP administratively extended the eligibility provisions for health insurance to the dental and vision programs. Dependent children under age 26 are no longer required to be full-time students to be covered under a NYSHIP enrollee's dental and/or vision coverage.

There are two circumstances that allow a dependent child to continue NYSHIP eligibility after reaching age 26; when a child has served in the United States military (refer to Policy Memo 138r2) and when a child has an approved disability. To continue eligibility the dependent must be disabled dependent or an unmarried full-time student with military service.

POLICY

Allow dependents over age 26 who lose eligibility due to marital status, full-time student status, or disability status to enroll in NYSHIP as a dependent if they experience a change that makes them once again eligible for NYSHIP benefits, provided they continue to meet all eligibility requirements. This includes the following situations:

- **Marital Status:** If a dependent loses NYSHIP eligibility due to marriage, he or she will regain NYSHIP eligibility upon divorce, annulment, or death of spouse;
- **Full-Time Student Status:** If a dependent over age 26 with a military extension loses NYSHIP eligibility because he or she is not a full-time student, the dependent will regain NYSHIP eligibility upon enrolling as a full-time student at a qualified institution. Please note, dependent children under age 26 are no longer required to be full-time students to be covered under a NYSHIP enrollee's dental and/or vision coverage; and
- **Disabled Status:** If a disabled dependent loses NYSHIP eligibility because he or she is no longer disabled, the dependent will regain NYSHIP eligibility upon a relapse of the same condition that caused his or her disability while previously enrolled. The recurrence of that disability must again render the dependent incapable of self-support (both factors to be determined by the Empire Plan medical or mental health and substance use

disorder plan administrator). If an enrollee is a member of a NYSHIP health maintenance organization (HMO), the HMO will determine the disability status.

This policy does not apply to dependent survivors who lose eligibility due to remarriage. Pursuant to Section 165-a of Civil Service Law, dependent survivor coverage is only available to "un-remarried spouses." If a surviving spouse remarries, his or her eligibility permanently ends. If a surviving domestic partner marries or acquires a new domestic partner, his or her eligibility permanently ends, as well. The only potential exception is if a marriage or remarriage is annulled. Questions about this exception should be directed to the Employee Benefits Division.