FEHB Federal Employees Health Benefits

TEMPORARY CONTINUATION OF COVERAGE (TCC) under the FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

This pamphlet describes the conditions you must meet to be eligible for temporary continuation of coverage (TCC) under the Federal Employees Health Benefits Program when your regular coverage ends. It also explains how to enroll for TCC, how much it costs, and how long it can continue.

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What is TCC (temporary continuation of coverage)?

TCC is a feature of the Federal Employees Health Benefits (FEHB) Program that allows certain people to temporarily continue their FEHB coverage after regular coverage ends. **Important:** You must exhaust TCC eligibility as one condition for guaranteed access to individual health coverage under the Health Insurance Portability and Accountability Act of 1996.

How much does TCC cost?

TCC enrollees must pay the full premium for the plan they select (that is, both the employee and Government shares of the premium) plus a 2 percent administrative charge.

Who is eligible for TCC?

Federal employees and family members who lose their FEHB coverage because of a qualifying event may be eligible for TCC.

What is a qualifying event?

For ***employees***, the only qualifying event is separation from Federal service. However, you are not entitled to TCC if you are involuntarily separated due to gross misconduct.

Your human resources office decides whether conduct that leads to an involuntary separation is "gross misconduct." If your human resources office decides that you were separated because of gross misconduct, it must notify you of that fact and explain what you can do to appeal the decision.

For ***children***, the qualifying events are:

- marriage,
- reaching age 22,
- loss of status as stepchild, foster child, or recognized natural child,

- in the case of children whose coverage has continued beyond age 22 because of their inability to support themselves due to a disability occurring before they reached age 22, recovering from the disability or becoming self-supporting,
- death of the employee or annuitant if the child does not qualify for a survivor annuity, and
- survivor annuity stops for any reason, including because he or she is no longer a full-time student.

Spouses are not eligible for TCC (temporary continuation of coverage) in their own right, even if you separate and decide not to elect TCC or you die. However, if your marriage ends other than by death, your ***former spouse*** is eligible for TCC. The qualifying events are:

- divorce, and
- annulment of the marriage.

Who is covered under a TCC family enrollment?

For a former employee, a TCC family enrollment covers the same family members as were covered under the regular family enrollment. Family members must continue to meet the same eligibility requirements as under a regular family enrollment. A new family member, such as a new spouse or a newborn child, who is added during the TCC enrollment period is also covered as a family member.

For a child with a TCC family enrollment, his or her spouse and children are covered family members.

For former spouses, family members are limited to children of both the Federal employee and the former spouse. The new husband or wife of a remarried former spouse is not covered as a family member.

How long can coverage continue under TCC (temporary continuation of coverage)?

Separating employees can continue TCC for up to 18 months after the date of separation.

Children and former spouses can continue TCC for up to 36 months after:

- the date of the qualifying event when the child or former spouse is covered as a family member of an employee or annuitant under a regular FEHB enrollment, or
- the date of the employee's separation if the qualifying event occurs when the child or former spouse is covered under the TCC enrollment of a former employee.

If your child's or former spouse's qualifying event occurs while you are enrolled for family coverage under TCC, the child or former spouse may elect TCC in his or her own right; however, the TCC coverage may not continue beyond 36 months after the date of your separation.

How to obtain TCC if you are a separating employee

If you lose your FEHB coverage because you leave your Federal job, you are eligible for TCC unless your separation is involuntary due to gross misconduct. Otherwise, the reasons for your separation don't matter.

Your human resources office must notify you within 61 days after your regular FEHB enrollment terminates of your opportunity to enroll under TCC (temporary continuation of coverage). Generally, you have 60 days after getting the notice or 60 days after separation, whichever is later, to enroll under TCC.

It's a good idea to ask your agency to give you your TCC information on the day you separate. TCC enrollments — and premiums — always begin on the 32nd day after your regular coverage ends (which happens on the last day of the pay period in which you separate). The earlier you submit your enrollment form, the earlier your agency can process it, and the less likely it will be for you to receive a large bill for retroactive TCC coverage.

However, if you retire and you are eligible to continue your regular FEHB coverage as a retiree, you aren't eligible for TCC because your regular FEHB coverage doesn't stop. If you are retiring and you aren't sure whether you are eligible to continue regular FEHB coverage as a retiree, ask your employing office.

How to obtain TCC for children who lose FEHB coverage

If your child wants TCC, you must notify your employing office within 60 days after the qualifying event and supply the child's mailing address. (Since the enrollment will be in the child's name, the child must complete the election form and the child will be billed for the coverage.)

Within 14 days after it receives the information about the child, the employing office must notify the child of his or her TCC rights. The child must make his or her election within 60 days after the *later* of:

- the date of the qualifying event, or
- the date the child receives the notice about TCC (temporary continuation of coverage) rights from your employing office, if you notified the employing office within 60 days after the qualifying event.

If you don't notify your employing office within the 60-day time limit, the opportunity to elect TCC ends 60 days after the qualifying event.

If ***someone other than you (the employee)*** notifies the employing office about your child's eligibility, your employing office will notify your child of his or her TCC rights, but your child's 60-day time limit to elect TCC begins with the qualifying event, not the date of the employing office's notice of TCC rights.

How to obtain TCC for former spouses

If your former spouse doesn't meet all the requirements for enrollment under the spouse equity provisions of law (see page 6), he or she may be eligible for TCC. To be eligible for TCC, your former spouse must have been covered under your FEHB family enrollment at some time during the 18 months before your marriage ended. (The term "former spouse" does not include widows or widowers.)

If your former spouse wants TCC, ***you and your former spouse share the responsibility for notifying your employing office within 60 days after the qualifying event (divorce or annulment)*** and supplying the former spouse's mailing address. Within 14 days after your employing office receives the notice from you or your former spouse, it must notify your former spouse of his or her TCC rights. Your former spouse must elect TCC within 60 days after the later of:

- the date of the divorce or annulment; or
- the date he or she receives the notice of TCC (temporary continuation of coverage) rights from your employing office, if you or the former spouse notified the agency within the 60-day time limit given above.

If you or your former spouse do not notify your employing office within the 60-day time limit, the opportunity to elect TCC ends 60 days after the divorce or annulment.

If someone other than you or your former spouse notifies your employing office about your former spouse's eligibility, the employing office will notify your former spouse of his or her TCC rights, but your former spouse must elect TCC within 60 days after the divorce or annulment, not 60 days after the employing office's notice.

What are the spouse equity provisions?

The spouse equity provisions of law allow the former spouse of a Federal employee or annuitant to enroll in FEHB if he or she:

- Was covered under FEHB as a family member at some time during the 18 months before the marriage ended,
- Has not remarried before reaching age 55, and
- Has a qualifying court order (a court order that awards the former spouse a portion of the employee's or retiree's annuity benefit or a survivor benefit based on the employee's or retiree's Federal service).

The cost of coverage under the spouse equity provisions is slightly less than under TCC (temporary continuation of coverage). Spouse equity enrollees pay the full premiums (both the employee and Government shares), but they do not pay the extra 2 percent administrative charge.

Coverage under a spouse equity enrollment does not begin until after the Office of Personnel Management has reviewed the court order to determine if it is "qualifying" and the employing office gets both the election form and proof that the former spouse is eligible for coverage under the spouse equity provisions. The former spouse can enroll under TCC while waiting for the spouse equity coverage to begin to avoid any gap in health insurance coverage.

There is no specific time limit on how long spouse equity enrollments can continue. The enrollment can continue as long as the former spouse meets the requirements given above and pays the premiums when they are due. If the former spouse loses eligibility under the spouse equity provisions (for example, he or she remarries before reaching age 55) before the 36-month period for TCC runs out, the former spouse can change to a TCC enrollment, which can continue for the remainder of the 36-month period. (See "Changing from a spouse equity enrollment to a TCC enrollment" on page 10.)

If you need more information about the spouse equity provisions, ask your employing office or see the Federal Employees Health Benefits (FEHB) Handbook at *www.opm.gov/insure/handbook/FEHB31.htm*.

Enrollment options under TCC (temporary continuation of coverage)

To enroll for TCC, you (or your child or former spouse, as applicable) complete Standard Form 2809, *Employee Health Benefits Election Form*, and submit it to your employing office within the time limit explained here. Employing offices can accept belated enrollments in very limited circumstances. Contact your employing office for further information.

You are not limited to the plan or option in which you were covered when the regular Federal Employees Health Benefits (FEHB) coverage ended. You (or your child or former spouse, as applicable) may enroll in any plan for which you are qualified. (Some plans require that enrollees live in a certain geographic area or belong to the sponsoring employee organization.)

You may elect either a self only or self and family enrollment; however, the individuals who qualify as family members under a TCC family enrollment vary depending on whether the enrollee is a former employee, a child, or a former spouse. (See “Who is covered under a TCC family enrollment?" on page 2.)

If a person who is eligible for TCC can't make an election on his or her own behalf because of a mental or physical disability, a court-appointed guardian may file an election for that person.

Effective date of coverage

If you lose FEHB coverage other than by cancellation (including cancellation by nonpayment of premiums), you have a 31-day temporary extension of coverage, at no cost, in the same enrollment category held at separation. TCC (temporary continuation of coverage) takes effect on the day that the 31-day temporary extension of coverage ends. Coverage is retroactive to that date if the enrollment processing is completed later.

As previously discussed, depending on the circumstances, a timely election can be made up to 120 days after the qualifying event. If you wait that long to enroll, you are billed for the entire 89-day period of retroactive coverage. In cases where the employing office accepts a belated election, the period of retroactive coverage for which you are billed is even longer.

If you do not pay the bill for the retroactive coverage, the TCC enrollment is canceled retroactively to the beginning date and you are not eligible to reenroll.

Premium payments

The employing office (or its agent if it has made arrangements for some other office to handle its TCC accounts) bills you for each pay period (generally each month) you are covered. The initial bill may include more than one month's coverage if more than one month has passed since the effective date. Payments are due after the month during which you are covered in accordance with the schedule and procedures established by the employing office.

Opportunities to change enrollment

After the initial enrollment, a TCC enrollee may change enrollment during the annual FEHB open season or, generally, when an event occurs that would allow an employee to change enrollment.

A TCC (temporary continuation of coverage) enrollee may change enrollment from self and family to self only at any time. Family members who lose coverage because an enrollee changes enrollment from self and family to self only are entitled to the 31-day temporary extension of coverage for conversion to an individual contract, but are not eligible to enroll under TCC in their own right.

A TCC enrollee may change coverage during the annual Federal Employees Health Benefits (FEHB) open season or when one of the following events occur:

- Change in family status
- Move from an HMO's (Health Maintenance Organization) service area
- Termination of membership in an employee organization plan
- Termination of the plan in which enrolled
- Become eligible for Medicare coverage
- Loss of coverage under another FEHB enrollment because the covering enrollment was terminated, cancelled, or changed to self only
- Loss of coverage under another federally-sponsored health benefits program
- Loss of coverage under the Medicaid program or similar State-sponsored program of medical assistance for the needy
- Loss of coverage under a non-Federal health plan

Changing from a spouse equity enrollment to a TCC enrollment

A former spouse enrolled under the spouse equity provisions may be able to change to a TCC enrollment if he or she loses spouse equity eligibility because —

- he or she remarries before reaching age 55, ***or***
- the court order is changed in such a way that it is no longer a "qualifying" court order.

A former spouse can change from a spouse equity to a TCC (temporary continuation of coverage) enrollment if:

- the loss of spouse equity eligibility occurs during the 36-month period following the divorce or annulment (or following the employee's separation if the marriage ended while the former spouse was covered under a TCC family enrollment); and
- the divorce or annulment occurred on or after January 1, 1990.

The former spouse must notify the employing office within 60 days after eligibility for spouse equity coverage ends. The employing office will give the former spouse details about how to change to a TCC enrollment. The TCC enrollment cannot continue beyond 36 months after the divorce or annulment (or the employee's separation, if applicable).

Termination of enrollment or coverage

Your TCC coverage ends either because the period of temporary continuation expires or you cancel the enrollment. (Coverage also stops when you don't pay premiums. If your coverage terminates because you don't pay your premiums, it is considered a voluntary cancellation.)

If your enrollment ends because the TCC period expires, you are entitled to a 31-day temporary extension in the same enrollment category held at the time TCC expires for conversion to an individual contract.

A family member's TCC (temporary continuation of coverage) ends when the covering enrollment ends or when the person ceases to meet the requirements for being considered a family member. A family member who loses the continued coverage for any reason other than cancellation of the covering enrollment is entitled to a 31-day extension of coverage for conversion to an individual contract. The family member may be eligible for TCC in his or her own name if he or she loses family member status because of a qualifying event that occurs while he or she is covered under the TCC family enrollment of a separated employee.

Thirty-one-day temporary extension of coverage and conversion to an individual contract

When you lose Federal Employees Health Benefits (FEHB) coverage other than by cancellation (including cancellation by nonpayment of premiums) you have a 31-day temporary extension of coverage, at no cost, in the same enrollment category so you may convert to an individual contract with your current health benefits plan. This is true even when you also have the right to elect temporary continuation of FEHB coverage. TCC takes effect on the day that the 31-day temporary extension of coverage ends. Coverage is retroactive to that date if the enrollment processing is completed later.

When you elect TCC instead of the conversion policy you have another 31-day extension of coverage, at no cost, in the same enrollment category held at the time TCC expires. You have another opportunity to convert to an individual contract when the temporary continuation ends (other than for cancellation).

Additional Information

You can get more information about the Federal Employees Health Benefits (FEHB) Program at *www.opm.gov/insure*. Detailed information on Temporary Continuation of Coverage is in the FEHB Handbook at *www.opm.gov/insure/handbook/FEHB16.htm*.