



Washington Dental Service

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RE: SB 5688 Referendum 71 – Registered Domestic Partner

Review Summary

Voters approved Washington's new domestic partnership law (SB 5688) in November 2009. This new law, effective December 3, 2009, gives registered domestic partners all the rights and responsibilities of spouses under state law.

Two types of couples can register with Washington state under the new domestic partnership law: opposite sex couples where one person is over age 62 and same sex couples (with no limiting age). The law also protects same sex domestic partners who are registered in other states.

The law does not provide any legal rights to domestic partners that have not registered with a state. Nothing in the law, however, prevents employers from providing benefits to unregistered domestic partners.

In reviewing the law, Washington Dental Service has determined that it will accept enrollment for all domestic partnerships. It will be up to the group to determine if they wish to cover registered domestic partners only or all domestic partners.

What groups does the law affect?

All fully-insured groups and individual plans are subject to complying with the new law.

Under ERISA, self-insured plans are not subject to state law and thus are exempt from domestic partnership regulations. Washington Dental Service will continue to process enrollment with these groups as currently in place unless notified by the group otherwise.

Will plans allow coverage for children of domestic partners?

Children of domestic partnerships that are dependent upon the subscriber for support will be covered up through the age of 24.

How do groups enroll domestic partners?

Enrollment for domestic partnerships will be performed in accordance with current enrollment procedures for the group and as required at the time of a qualifying event.

If you elect to cover only state registered domestic partners, you will need to contact visit the Washington Dental Service Web site for further information. It will be the group's responsibility to maintain documentation to support coverage determinations such as affidavits or other methods for determining domestic partnerships and/or registered domestic partnerships.

How does the law affect Family Leave and COBRA?

Washington state statutory leaves, like family care leave, family and medical leave, spouse military leave, and domestic violence leave now cover registered domestic partners of employees on the same terms as spouses.

Although the new law does not require employers to provide COBRA to registered domestic partners, neither state nor federal law prohibits an employer from offering domestic partners a COBRA benefit. Washington Dental Service will manage COBRA benefits in the same manner as currently provided.

Will contracts and benefit booklets be updated to reflect the legislative change?

All contracts and benefit booklets will be updated with language approved by the Office of the Insurance Commissioner. Washington Dental Service will not be sending out contract amendments regarding domestic partners. This language will be updated at your next group renewal; amendments are not required by the Office of Insurance Commissioner.

Will there be a cost for coverage of domestic partners and will there be an increase in administrative fees?

All costs and administrative fee changes will be evaluated based on current Washington Dental Service underwriting review procedures.

Original Date: 12/11/2009

Revision Date: 1/11/2010