MCS health policy program

MCS Newsletter

Summary of changes to products due to local and /or federal regulation

July 23, 2015

Bellow we describe relevant changes to our products relating to maternity for dependent daughters and marriage equality.

I. Maternity for Dependent Daughters

Summary

According to provisions and clarifications made by the state regulatory agency, Office of the Commissioner of Insurance of Puerto Rico (OCI); in compliance with the provisions of the Affordable Health Act (ACA) CFR 156 115 (a) (2), **no insurer may exclude dependent daughters from the category of maternity service or newborn coverage.**

Effective Date

OCI has required that following January 1, 2015, renewals and new sales include this benefit for products with maternity coverage**.**

MCS Plan

MCS is in compliance with the regulator's requirement and has extended the benefit to dependent daughters for any product that includes maternity services whether renewed or sold on or after **January 1, 2015. This determination applies to the following non-grandfathered plans:**

1. Personal Bronze (medal, sales and renewals from 3/2013)
2. Personal (effective sales from 01/01/2014), this product has been in compliance since 1/1/2015.
3. Global
4. Global Pool
5. Ideal
6. Exclusive Policies (Any variance issued using any mentioned base.)

II. Marriage Equility

Summary

On June 26, 2015, the United States Supreme Court resolved that all states of the nation and its territories, must issue marriage licenses to same-sex couples and recognize same-sex marriages validly performed in other jurisdictions (Obergefell v. Hodges).

Effective Date

This determination is not yet mandated by local law.

MCS Plan

MCS is taking steps to guarantee the right granted by the Federal Supreme Court. **Effective August 1, 2015, every new sale or renewal** for all products, will include an amended definition of the following:

- **Marriage:** Marriage is a civil institution that originates with a civil contract in which the contracting parties mutually agree to become spouses and discharge the duties imposed by law, as applicable to the United States and its territories. It is only valid when it is contracted and solemnized in accordance with the provisions of law, and can be dissolved before the death of either spouse only in cases expressly provided by law.
- **Spouse**: A person with whom the insured person has contracted a valid marriage in accordance with applicable law.

The eligibility process to include the spouse in his/her contract will be the same process and the same documentation required for "Changes due to Marriage," as described in the official Plan documents.

<u>Special Enrollment Period:</u> For marriages between people of the same gender, married before August 1, 2015, MCS will extend the right to join the Plan through a Special Enrollment Period starting August 1, and ending August 31, 2015, with an effective date of September 1, 2015. If the main insured does not include his/her spouse during the above mentioned special period, the change will have to wait until the next (individual or group) renewal date.

References

- https://www.cms.gov/CCIIO/Resources/Data-Resources/Downloads/ehb-benchmark-review-guide.pdf
- http://www.supremecourt.gov/opinions/14pdf/14-556_3204.pdf

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