

Title: ~~Continuation Coverage and Retiree Insurance Coverage Election Period Tolling for Applicants with Mental Impairment or Physical Impairment or Incapacitation~~

PEBB Program Administrative Policy 56-2

Contact:	Rules Specialist, ERB Division	Effective:	January 1, 201 8 <u>9</u>
		Rescinded:	
Associated RCW:		Supersedes:	
Associated WAC:	182-08-198 182-08-199 182-12-128 182-12-133 182-12-141 182-12-142 182-12-146 182-12-171 182-12-180 182-12-211 182-12-262 182-12-265 182-12-270		
Assoc. fed law/reg:		Owner:	Policy & ₁ Rules & ₁ Compliance Manager, ERB Division
Associated Procedures:			
Associated Forms & Communication		Approved by:	
		Position:	ERB Division Director <u>of the PEBB Program</u>
		Date approved:	

Purpose:

This policy applies whenever an applicant (or another party acting on behalf of the applicant) requests tolling of the continuation coverage ~~or~~₁ retiree insurance coverage, new employee eligibility, annual open enrollment or special open enrollment election period for reason of mental ~~impairment~~ or physical impairment or incapacitation.

This policy establishes the methodology that the PEBB ~~p~~₁Program will use to make a determination of mental ~~impairment~~ or physical impairment or incapacitation for the purposes of tolling the election period of continuation coverage ~~or~~₁ retiree insurance coverage, new employee eligibility, annual open enrollment, or special open enrollment.

This policy provides timing requirements to request tolling of the election period for reason of mental ~~impairment~~ or physical impairment or incapacity.

For the purposes of this policy, "tolling" means to pause, delay or suspend the time period to elect continuation coverage ~~of~~, retiree insurance coverage, or PEBB insurance coverage in the case of new employee eligibility, annual open enrollment, or special open enrollment.

Policy:

1. Election Period Tolling Eligibility: The applicant, ~~his or her~~their legal representative, or any party acting on behalf of the applicant may request tolling of the election period due to the mental ~~impairment~~ or physical impairment or incapacitation of the applicant.
2. A determination of the applicant's mental or physical impairment or incapacitation shall be made by the applicant's physician. A written note from the applicant's physician will be sufficient proof of the applicant's impairment or incapacitation if it includes the following information:
 1. ~~—~~
 - a. ~~Determination of the applicant's mental impairment or physical incapacitation shall be made by the applicant's physician. A written note from the applicant's physician will be sufficient proof of the applicant's impairment or incapacitation. The condition that renders the applicant mentally or physically impaired or incapacitated; and~~
 - b. The date that the applicant's mental or physical impairment or incapacitation began, and if it has ended, the date the period or incapacitation ended.
- 2.3. ~~If the applicant, or a party acting on behalf of the applicant, is not able to provide a note from the applicant's physician cannot establish the applicant's impairment or incapacitation, then the Health Care Authority's (HCA) Clinical Quality and Care Transformation Division (CQCT) will make a determination of ~~impairment or the applicant's impairment or~~ incapacitation based upon supporting documents submitted on behalf of the applicant. The ~~supporting documents~~supporting documents must clearly state the ~~medical condition or physical that renders the applicant mentally or physically impaired or incapacitated, and the date the impairment or incapacitation began and if the impairment or incapacitation has ended, the date it ended that has prevented the applicant from making a timely election.~~~~
- 3.4. Requests for election period tolling due to mental ~~impairment~~ or physical impairment or incapacityation of the applicant must be made in writing and received by the PEBB Program within no later than 120 days of ~~after~~ the date ~~that~~on the denial notice ~~was~~ sent by the HCA. A written note from the applicant's physician as described in section 2 above, or supporting documentation as described in section 3 must be submitted with the request for tolling of the election period.
- 4.5. Upon approval, the election period shall be tolled (i.e., paused, delayed, or suspended) from the date of the applicant's mental ~~impairment~~ or physical impairment or incapacitation. The applicant, ~~his or her~~their legal representative, or any party acting on behalf of the applicant, will receive the balance of the election period to make the election of continuation coverage ~~of~~, retiree insurance coverage, or PEBB insurance coverage.

Example: ~~During the 60 day election period, the applicant becomes impaired or incapacitated on day 25. On day 61, a denial notice is sent to the applicant notifying him or her that the election window has passed and that the applicant has forfeited~~

~~their right to elect continuation coverage or retiree insurance coverage. On day 75, the applicant, his or her legal representative, or any party acting on behalf of the applicant notifies the PEBB program of the applicant's impairment or incapacitation that occurred on day 25. The election period will then be tolled (i.e., paused, delayed, or suspended) from day 25 and the applicant, his or her legal representative, or any party acting on behalf of the applicant will then receive the balance of 35 days to make the election. During the 60 day election period, the applicant gets into an accident and becomes hospitalized in a coma on day 25. The applicant fully recovers and is released from the hospital on day 55. On day 75, applicant sends in an application to HCA to enroll in COBRA benefits. Along with the application, they submit a letter from the treating physician stating the applicant's condition and that from day 25 through 55, the applicant was both mentally and physically incapacitated. Because the applicant provided adequate documentation for the incapacitation, the election period timeline will be tolled, granting an additional 30 days (day 55 – day 25 = 30 days), so the application on day 75 is timely, and they would not be considered untimely until day 90.~~

~~5.6.~~ The balance of the tolled election period will begin to run (i.e., the time period to make an election is no longer paused, delayed, or suspended and will begin to run out) on the date that the applicant reestablishes coherence or capability, or the date the PEBB ~~p~~P Program receives documentation of legal representation or guardianship.

~~6.7.~~ Documentation of legal representation or guardianship must be received by the PEBB ~~p~~P Program ~~within no later than 120 days of approval of the applicant's mental impairment or physical incapacitation from the date on the denial notice sent by the Health Care Authority (HCA).~~

~~7.8.~~ In the case of a party acting on behalf of the applicant, the balance of the tolled election period will begin to run (i.e., the time period to make an election is no longer paused, delayed, or suspended and will begin to run out) on the date the party began acting on behalf of the applicant.

~~9.~~ Once the election has been made within the balance of the tolled election period (i.e., within the time period remaining after the election period is no longer paused, delayed, or suspended), coverage will begin retroactive to the date of the qualifying event and is contingent upon payment of any unpaid premiums and ~~any~~ unpaid applicable premium surcharges.

~~10.~~ If the request for tolling is denied, the applicant or another party acting on behalf of the applicant may appeal the denial to the PEBB Appeals Unit by following the process described in WAC 182-16-2030.