

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

Policy 56-2

<b>Contact:</b>	Rules Specialist, ERB Division	<b>Effective:</b>	January 1, 2018
		<b>Rescinded:</b>	
<b>Associated RCW:</b>		<b>Supersedes:</b>	
<b>Associated WAC:</b>	182-12-133 182-12-141 182-12-142 182-12-146 182-12-171 182-12-180 182-12-265		
<b>Assoc. fed law/reg:</b>		<b>Owner:</b>	Policy & Rules Manager, ERB Division
<b>Associated Procedures:</b>			
<b>Associated Forms &amp; Communication</b>		<b>Approved by:</b>	<i>DLZ</i> Acting ERB Director
		<b>Position:</b>	ERB Division Director
		<b>Date approved:</b>	12/1/2017

**Purpose:**

This policy applies whenever an applicant (or another party on behalf of the applicant) requests tolling of the continuation coverage or retiree insurance coverage election period for reason of mental impairment or physical incapacitation.

This policy establishes the methodology that the PEBB program will use to make a determination of mental impairment or physical incapacitation for the purposes of tolling the election period of continuation coverage or retiree insurance coverage.

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

For the purposes of this policy, "tolling" means to pause, delay or suspend the time period to elect continuation coverage or retiree insurance coverage.

**Policy:**

1. Election Period Tolling Eligibility: The applicant, his or her 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 incapacitation of the applicant.

1. Election Period Tolling Eligibility: The applicant, his or her 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 incapacitation of the applicant.
2. 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. If 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 incapacitation based upon supporting documents submitted on behalf of the applicant. The supporting documents must clearly state the medical condition or physical incapacitation that has prevented the applicant from making a timely election.
3. Requests for election period tolling due to mental impairment or physical incapacity of the applicant must be made within 120 days of the date that the denial notice was sent by the HCA.
4. 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 incapacitation. The applicant, his or her 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 or retiree 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.

5. 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 program receives documentation of legal representation or guardianship.
6. Documentation of legal representation or guardianship must be received by the PEBB program within 120 days of approval of the applicant's mental impairment or physical incapacitation.
7. 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.
8. 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.