


THE CALIFORNIA STATE UNIVERSITY  
Office of the Chancellor  
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**Date:** December 19, 2002

**Code:** TECHNICAL LETTER  
HR/Benefits 2002-03  
Supplement #1

**To:** Human Resources Directors  
Benefit Officers

**From:** Cathy Robinson   
Assistant Vice Chancellor  
Human Resources Administration

**Subject:** Domestic Partner Benefits Update

Assembly Bill No. 25 (AB 25), signed by Governor Davis (Stats. 2001, Ch. 893), amended Government Code section 22871.2 of the Public Employees' Medical and Hospital Care Act (PEMCHA) administered by CalPERS. The law modified provisions concerning the right of surviving domestic partners to continue coverage in a CalPERS health plan. Previously, section 22871.2 did not permit domestic partners to continue to be eligible for health benefits after the covered employee or annuitant died. (In this situation, eligible individuals would be offered continued coverage through COBRA.) As amended by AB 25, section 22871.2 permits continued eligibility for coverage of a domestic partner who is a recipient of a retirement allowance as a surviving beneficiary of the deceased employee or annuitant.

A domestic partner shall not be considered a family member or eligible for health coverage *unless* he or she is receiving a retirement allowance as a surviving beneficiary of the deceased employee or annuitant. All domestic partners that were receiving a retirement allowance as a surviving beneficiary on January 1, 2002, became eligible on January 1, 2002, for continued coverage regardless of when the employee or annuitant died. These domestic partners may enroll immediately after the death of the employee or annuitant. This change applies to same-sex and opposite-sex domestic partnership relationships as defined by the Secretary of State.

This provision also will permit continued health coverage for a child(ren) of the domestic partner if the domestic partner is eligible for that continued coverage. The child of the domestic partner will be eligible only when:

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**Distribution:**

Chancellor  
CSU Presidents  
Vice Chancellor, Human Resources  
Vice Presidents, Administration  
AVPs/Deans of Faculty  
Payroll Managers  
Director, SOSS

1. The child is enrolled in a health benefits plan as a family member at the time the covered employee or annuitant dies; and
2. The child's parent (i.e., domestic partner of a CalPERS member) is a recipient of a retirement allowance as a surviving beneficiary of the deceased employee or annuitant.

If the child of the domestic partner is not enrolled in the health plan at the time the employee or annuitant dies, the child of the domestic partner may not be enrolled after the employee or annuitant dies.

The surviving domestic partner may not enroll new or additional family members in the health or dental plan after the death of the employee or annuitant.

**The CSU has chosen to permit continued dental coverage to a surviving domestic partner of a deceased CSU employee or annuitant in accordance with CalPERS' health plan enrollment guidelines. The CSU Dental Administrative Guide will be updated to reflect this change in domestic partner survivor benefit.**

**Attached is a draft letter (Attachment A) you may wish to send to your employees with domestic partners outlining this change.**

If you have any questions, please contact Felice Bakre in Human Resources Administration at (562) 951-4410, or by email at [fbakre@calstate.edu](mailto:fbakre@calstate.edu). You may also reference CalPERS' Circular Letter Number 600-006-02. This technical letter is available on Human Resources Administration's Web page at: <http://www.calstate.edu/HRAdm/memos.shtml>.

**Technical Letter  
HR/Benefits 2002-03  
Supplement #1  
Attachment A**

Date

Address

Dear \_\_\_\_\_:

The purpose of this letter is to notify you of recent state legislation that impacts domestic partnerships and the domestic partner's ability to continue enrollment in a CalPERS health plan and the CSU dental plan upon your death.

Assembly Bill (AB) 25 amended sections of various California codes and was effective January 1, 2002. The law modified the provision pertaining to survivor benefits of domestic partners. Previously, domestic partners were not eligible for health benefits after the covered employee or annuitant died. As amended, AB 25 permits continued eligibility for coverage of a domestic partner who is a recipient of a retirement allowance as a surviving beneficiary of the deceased employee or annuitant.

This amendment also permits continued health coverage for a child of a domestic partner if the domestic partner is eligible for that continued coverage. The child of the domestic partner will be eligible for coverage only when:

1. The child is enrolled in a health benefits plan as a family member at the time the covered employee or domestic partner dies; and
2. The child's parent (i.e., domestic partner of a CalPERS member) is a recipient of a retirement allowance as a surviving beneficiary of the deceased employee or annuitant.

If the child of the domestic partner is not enrolled in the health plan at the time the employee or annuitant dies, the child of the domestic partner may not be enrolled after the employee or annuitant dies.

The CSU has chosen to extend this same benefit to a surviving domestic partner of a deceased CSU employee or annuitant for purposes of continued coverage in the CSU dental plan, in accordance with CalPERS' health plan enrollment guidelines.

We hope you find this information helpful. If you have any questions, please contact \_\_\_\_\_ at \_\_\_\_\_.

Sincerely,