



**Department of Consumer and Business Services
Insurance Division**

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Notice to parties in a suit for marriage dissolution or legal separation regarding continuation of health coverage

If you or your spouse have filed for divorce or legal separation and currently hold group health insurance coverage through your spouse, you should know that your coverage may end when the court grants your divorce or separation. Oregon law offers options that may enable you to obtain continued coverage. This notice outlines continued coverages available under Oregon law. Federal laws commonly known as "COBRA" may also enable you to continue coverage. *Please note:* You must act promptly to continue coverage.

For more information about Oregon and federal law, you should consult your health insurer, the plan administrator for your insurance coverage, the employer through whom your insurance is provided, or your attorney.

The following is a summary of options under Oregon law:

- 1. Continuation of existing coverage for a divorced or legally separated spouse who is 55 years of age or older** (ORS 743.600 to 743.602). If you are a divorced or legally separated spouse and if you are 55 years of age or older when the dissolution or legal separation occurs, you may continue your existing group coverage until you obtain other group coverage or become eligible for Medicare. In order to continue coverage, you must do both of the following:
 - A. You must notify the group health insurance plan administrator in writing of the dissolution or legal separation within 60 days of the entry of the decree of divorce or legal separation.
 - B. You must elect to continue and pay for the group coverage. You must make the election on a form provided by the plan administrator.

Please note: This provision applies only if your coverage is provided through an employer who employs 20 or more employees or if your coverage is provided by a group health insurance plan that covers 20 or more employees.

- 2. Continuation of existing coverage for a divorced spouse when federal law does not provide for continued coverage** (ORS 743.610). If you are not able to continue your group health coverage under federal law ("COBRA"), you may continue your existing group coverage upon dissolution of your marriage for a period not exceeding nine months. The following requirements apply:
 - A. You must have been continuously covered by the group policy for at least three months prior to your divorce.
 - B. You must ask the insurer or the group policyholder, in writing, to continue your coverage. You must also pay the required premiums.
 - C. You must make your request by the later of the following dates:
 - (1) Ten days after the date that your coverage under the group policy as a qualified family member ends;
 - or
 - (2) Ten days after the date on which the employer or group policyholder gives notice of the right to continue coverage.

Important note: You must make your request and pay your premium by the 31st day after your coverage as a qualified family member ends.



3. Portability of health insurance coverage (ORS 743.760 to 743.763). If you were covered by a group health plan and you lost that coverage, you may be eligible to continue coverage by switching to a portability health plan rather than staying on your current plan. If you are eligible, you have two portability coverage choices. The covered services and premiums charged for the portability health plan that you choose must meet state standards. You are eligible for portability coverage if you are an Oregon resident, are not eligible to enroll in Medicare, and meet the following requirements:

A. You must have been covered by health plans as follows:

(1) By one or more Oregon group health plans for at least six consecutive months or, if your group plan was provided by a “self-insured” employer, you must also have exhausted your federal or state continuation coverage;

or

(2) By one or more group or individual health plans for a period of 18 months, but only if your most recent coverage was in a group plan and if you have exhausted your federal or state continuation coverage.

B. You must apply within 63 days of losing your group coverage. If an insurance company or HMO plan provided your group coverage, contact the company or plan for an application. If a self-insured employer provided your group coverage, call the Oregon Medical Insurance Pool toll-free at 800-542-3104 and ask for an application.

C. You must pay the required premiums for the coverage.

Note: Portability coverage takes effect on the day after your group coverage ends. Your premiums are payable from that date.

Remember: You have a limited time to apply for continuation or portability coverage. If you need help, consult your health insurer, the administrator of your health benefit plan, the employer through whom your insurance is provided, the Oregon Medical Insurance Pool, or your attorney.

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