

THE CALIFORNIA INSURANCE EQUALITY ACT

HOW TO USE IT AND WHAT IT MEANS FOR YOU AND YOUR FAMILY

What is the California Insurance Equality Act?

- The California Insurance Equality Act (AB 2208) is a non-discrimination statute that prohibits insurance providers from issuing policies or plans that treat registered domestic partners and married spouses differently. It requires all policies and plans that provide benefits to spouses or registered domestic partners to provide them to both categories and do so in an identical manner.

Does the bill apply to all types of insurance?

- Yes, in addition to health insurance plans (including managed care plans), the Act applies to auto, rental, disability, life, and all other forms of insurance regulated by the Department of Insurance.

How does the Act prohibit discrimination against registered domestic partners?

- The Act makes it illegal for an insurance provider to issue any insurance policy or plan that fails to provide the same coverage, with the same terms and conditions, for registered domestic partners that is provided for spouses. For example, a car insurance company that automatically extends coverage to the spouse of a policy holder must also provide the same coverage to the registered domestic partner of a policy holder. Similarly, all health care plans and health insurance policies that provide coverage for the spouses of a group of employees or the spouse of an individual policy holder must provide identical coverage for domestic partners.

Does the new law require employers to provide coverage for spouses and registered domestic partners?

- The new law does not require employers to provide coverage for spouses or registered domestic partners. If an employer does provide coverage for spouses, however, the insurance policy or group health plan it purchases to provide that coverage must provide equal coverage for registered domestic partners.

Who authored the Act?

- The Act was authored by Assemblywoman Christine Kehoe and sponsored by Equality California and Insurance Commissioner Garamendi. Governor Schwarzenegger signed the bill into law on September 13, 2004.

When does the Act go into effect?

- The new law goes into effect on January 2, 2005 for group health insurance plans and on January 1, 2005 for other types of insurance.

How is the law enforced? What do I do if my insurance company refuses to provide equal coverage for my registered domestic partner?

- For problems concerning managed health care plans and health maintenance organizations, consumers should contact the Department of Managed Health Care at 888-466-2219. Its website is <http://www.dmhca.ca.gov>. For problems concerning other types of insurance, consumers should contact the Consumer Services Division of the California Department of Insurance, at 800-927-HELP (4357). Its website is <http://www.insurance.ca.gov/docs/FS-Consumer.htm>.

My domestic partner and I have already purchased homeowners' insurance, car insurance, and life insurance. These policies do not provide the same coverage for us as registered domestic partners that would be provided if we were married. Do we have to buy new policies or renegotiate the terms of our existing policies in order to benefit from the new law?

- No, you do not have to buy new policies or renegotiate existing policies to benefit from the new law. Under the Act, insurance companies must ensure that any insurance policies or plans that they issue, amend, deliver, or renew in California on or after the law goes into effect in January, 2005 provide equal coverage on equal terms for registered domestic partners and spouses. The law provides that any policy or plan that is issued, amended, delivered, or renewed in California after the law goes into effect that does not, by its terms, provide equal coverage will be interpreted to do so.

If my employer provides health insurance benefits for spouses and registered domestic partners, will my registered domestic partner be entitled to COBRA coverage if I lose my job?

- COBRA is a federal law that gives certain former employees, retirees, spouses and dependent children the right to temporary continuation of health coverage after an employee leaves a job. Unfortunately, even after AB 2208 goes into effect, registered domestic partners still will be ineligible for *mandatory* continuation coverage under COBRA. AB 2208 will not change this discriminatory treatment because COBRA is a federal law and the California Insurance Equality Act does not prohibit "differential treatment of domestic partners and spouses under federal law." But, nothing in COBRA stops employers from ending this discrimination voluntarily. They can offer equal continuation coverage for domestic partners if they wish, and they *should* do so if they believe in treating all their workers in a fair and nondiscriminatory manner.

For more information about registering as domestic partners with the State of California, visit the Secretary of State's website at

<http://www.ss.ca.gov/dpreistry/>.

For more information about legislation, contact:

Equality California

www.eqca.org

For more information about your legal rights under AB 2208, contact:

National Center for Lesbian Rights

www.nclrights.org

Lambda Legal

www.lambdalegal.org