



***Benefits Administration Letter***

**Number:** 15-901

**Date:** November 4, 2015

**Subject: Federal Long Term Care Insurance Program Eligibility Changes**

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Background

This letter provides information about an expansion of eligibility to apply for coverage under the Federal Long Term Care Insurance Program (FLTCIP).

OPM issued a final regulation on October 30, 2015 to expand the term “qualified relative” to cover both same-sex and opposite-sex domestic partners of Federal and U.S. Postal Service employees, annuitants, members of the uniformed services, and retired members of the uniformed services. OPM previously added same-sex domestic partners as a FLTCIP “qualified relative” in 2010 for Federal and U.S. Postal Service employees and annuitants. This final rule also provides that adult children of domestic partners will now be considered a “qualified relative” and may apply for FLTCIP coverage. Like all “qualified relatives,” domestic partners and adult children of domestic partners will be subject to full underwriting.

This regulation also requires the employee or his or her domestic partner to provide notice to the employing office if at any time between the time of application for FLTCIP and the time coverage is scheduled to go into effect, they no longer meet any of the conditions for a domestic partnership, in which case a domestic partnership is deemed terminated. Such notification must be made as soon as possible, but in no event later than thirty calendar days after such conditions are no longer met. Finally, the regulation clarifies that once FLTCIP coverage has begun, termination of a domestic partnership does not terminate a domestic partner’s insurance coverage as long as the FLTCIP contractor continues to receive the required premium when due.

To apply for FLTCIP coverage, the domestic partner must indicate on the FLTCIP full underwriting application that documentation of the domestic partnership has been submitted to the partner’s employing agency or retirement system. Following is information on the agencies’ role in this process.

Required Documentation

Eligible individuals will need to provide documentation, a “Declaration of Domestic Partnership” that they meet the definition of “domestic partnership”. An employee or their domestic partner must file a declaration with the employee’s agency. Retirees or their domestic partner must file a declaration with their retirement system (OPM for most annuitants).

Agencies must indicate receipt on the form, provide a receipted copy to the employee and file the form in the employee's official personnel folder or its equivalent. The employing office/retirement system should file the Declaration of Domestic Partnership in the Official Personnel Folder or retirement file. This document should go on the permanent side of the Official Personnel Folder. Agencies should not send the form to the FLTCIP insurer or administrator nor will the insurer typically request information that the form is on file.

No documentation other than the Declaration form is required. Agencies do not have to ask for proof of the partnership.

If the employee/annuitant has already completed a declaration of domestic partnership for the Federal Employees Health Benefits Program (FEHBP), or Federal Employee Dental and Vision Insurance Program (FEDVIP), they must still file a new declaration for FLTCIP as the declarations are different.

A Declaration of Domestic Partnership form is attached to this BAL and will also be available at [www.ltcfeds.com](http://www.ltcfeds.com).

### **Requirements for a Domestic Partnership**

The term "domestic partnership" is defined as a committed relationship between two adults, of the opposite or same sex, in which the partners—

- (1) Are each other's sole domestic partner and intend to remain so indefinitely;
- (2) Maintain a common residence, and intend to continue to do so (or would maintain a common residence but for an assignment abroad or other employment-related, financial, or similar obstacle);
- (3) Are at least 18 years of age and mentally competent to consent to a contract;
- (4) Share responsibility for a significant measure of each other's financial obligations;
- (5) Are not married or joined in a civil union to anyone else;
- (6) Are not a domestic partner of anyone else;
- (7) Are not related in a way that would prohibit legal marriage in the U.S. jurisdiction in which the domestic partnership was formed; and
- (8) Certify that they understand that willful falsification of the information within the documentation may lead to disciplinary action and the recovery of the cost of benefits received related to such falsification and may constitute a criminal violation under 18 U.S.C. 1001.

### Effective Dates

The final rule is effective November 30, 2015.

### Additional Questions

If you have any questions not addressed in this letter, please contact OPM at ([ltc@opm.gov](mailto:ltc@opm.gov))

Sincerely,

John O'Brien  
Director

Attachment