



## Update Newsletters January 20, 2012

### **Flex Plans and Domestic (Same-Sex) Partners**

One of our most important goals as your Flex plan administrator is to ensure compliance of your plan within federal guidelines, so we would like to send a verification of Flex rules regarding same-sex partners in Colorado.

All Flex plans follow federal regulations because the IRS, a federal agency, oversees Flex plans. However, in the case of same-sex partner issues, the federal government has relinquished oversight to the state level. States that recognize either same-sex civil unions or same-sex marriage currently include Hawaii, Delaware, Illinois, New Jersey, Rhode Island, Massachusetts, Connecticut, Iowa, Vermont, New Hampshire, and New York, as well as Washington, D.C.

### **Colorado does not recognize same-sex civil unions or same-sex marriage.**

For this reason, in Colorado no same-sex partner expenses may be included for pre-tax reimbursements, whether it is HRA participation, pre-tax insurance premiums under Premium-Only plans or pre-tax reimbursements for medical expenses through the Health Care Spending Accounts under a Full plan.

Any participant who made their election for 2012 based on a same-sex partner's inclusion in a state where it is not recognized can consider this a status change and re-enroll in the plan for 2012 with a reduced election amount.

### **Insurance Plans and Domestic (Same-Sex) Partners**

It is important to note that the rules may be different for insurance providers (such as Anthem, Rocky Mountain Health Plans, United Healthcare, Cigna, Blue Cross/Blue Shield, etc.), where same-sex partners may be included on insurance policies. Please check with your insurance provider to confirm their regulations.

Just keep in mind that private insurance company regulations have no authority over Flex plan regulations, so again, **no same-sex partners can be covered under a Flex plan in Colorado.**