



Benefits Administration Letter

Number 13 - 208

Date: October 30, 2013

**Subject: Federal Employees Dental and Vision Insurance Program (FEDVIP):
Continued Eligibility for Disabled Children Over Age 22**

This is to remind you that it is the employing agency's responsibility, under FEDVIP, to determine whether a dependent child age 22 or over is incapable of self-support because of a mental or physical disability that began before age 22. In addition, agencies must promptly notify BENEFEDS. BENEFEDS administers enrollment and premium payment processes on behalf of the FEDVIP carriers, and needs this information as quickly as possible to properly manage enrollments.

Background

As a result of the Affordable Care Act (ACA), effective January 1, 2011, children are covered under their parent's Federal Employees Health Benefits (FEHB) Program Self and Family enrollment until age 26. However, under their parent's Federal Employees Dental & Vision Insurance Program (FEDVIP), children are only eligible for coverage until they reach age 22.

FEDVIP enrollments may include a child incapable of self-support because of a physical or mental incapacity that existed before age 22. An enrollee's employing office is responsible for making decisions about whether a family member is eligible for coverage. If BENEFEDS has any questions about whether someone is an eligible family member, it may ask the enrollee or the employing office for more information. BENEFEDS must accept the employing office's decision on the family member's eligibility.

Employing Office Determination

The employing office is responsible for determining whether a dependent child age 22 or over is incapable of self-support because of a mental or physical disability that began before age 22 and for notifying BENEFEDS of its determination. Determinations should be made within 60 days after the initial enrollment or the child's 22nd birthday (or temporary incapable of self-support expiration date). The resulting determination (not the actual documentation) should be emailed immediately to BENEFEDS at FEDVIPAdministration@lhcpartners.com. The agency should also include the name of the current FEDVIP enrollee. The dependent child is incapable of self-support when:

- he/she is certified by a state or federal rehabilitation agency as unemployable;
- he/she is receiving: (a) benefits from Social Security as a disabled child; (b) survivor benefits from CSRS or FERS as a disabled child; or (c) benefits from OWCP as a disabled child;
- a medical certificate documents that: (a) the child is confined to an institution because of impairment due to a medical condition; (b) the child requires total supervisory, physical assistance, or custodial care; or (c) treatment, rehabilitation, educational training or occupational accommodation has not and will not result in a self-supporting individual;
- a medical certificate describes a disability that appears on the [list of medical conditions](#) (Attachment 1); or
- enrollee submits acceptable documentation that the medical condition is not compatible with employment, that there is a medical reason to restrict the child from working, or that he/she may suffer injury or harm by working.

If the child earns some income, (generally no more than the equivalent of the GS 5, step 1), it does not necessarily mean that he/she is capable of self-support. The employing office will take both the child's earnings and condition or prognosis into consideration when determining whether he/she is incapable of self-support.

Documentation of Incapacity for Self-Support

To continue a child's eligibility for FEDVIP coverage once he/she reaches age 22, an enrollee must submit documentation to the employing office. This documentation can include the certification of unemployable status, the proof of Social Security benefits or a doctor's certificate about the child's disability. The doctor must sign the certificate, and the certificate must show the doctor's office address.

The certificate must state the following:

- The child's name
- That the child is incapable of self-support because of a physical or mental disability
- The type of disability
- That the disability started before the child reached age 22
- If the disability is temporary or permanent; if temporary, a time period must be provided

The agency should put the documentation and its determination in the employee's Official Personnel Folder (or its equivalent).

If an agency has on file a determination that was made for the Federal Employees' Group Life Insurance (FEGLI) program, the same determination can be used for FEDVIP. The employee does not need to submit additional documentation. The agency should notify BENEFEDS of the previous determination by emailing FEDVIPAdministration@ltpartners.com.

If you have any questions about this information, please contact Connie deLorimier at (202) 606-0164

Sincerely,

John O'Brien
Director
Health and Insurance

Attachment 1 - Medical Conditions That Would Cause Children to Be Incapable of Self-Support during Adulthood

Documentation of one of the following conditions automatically makes a child age 22 or over eligible for coverage under FEDVIP. If a child's condition is not listed, the employee's employing office will make its determination based on the documentation submitted:

- AIDS – CDC classes A3, B3, C1, C2, and C3 (not seropositivity alone)
- Advanced muscular dystrophy
- Any malignancy with metastases or which is untreatable
- Chronic hepatic failure
- Chronic neurological disease, whatever the reason, with severe mental retardation or neurologic impairment, for example:
 - Cerebral palsy
 - Ectodermal dysplasia
 - Encephalopathies
 - Uncontrollable seizure disorder

- Chronic renal failure
- Inborn errors of metabolism with complications, such as the following:
 - Adrenoleukodystrophy
 - Gaucher disease
 - Glycogen storage diseases
 - Homocysteinuria
 - Lesch-Nyhan disease
 - Mucopolysaccharide disease
 - Nieman-Pick Disease
 - Phenylketonuria
 - Primary hyperoxaluria
 - Tay-Sachs disease

- Mental retardation with IQ of 70 or less
- Severe acquired or congenital heart disease with decompensation which is not correctable
- Severe autism
- Severe juvenile rheumatoid arthritis
- Severe mental illness requiring prolonged or repeated hospitalization
- Severe organic mental disorder
- Xeroderma pigmentosa