

INFORMATION PAPER HEALTH INSURANCE COVERAGE FOR SOLDIERS RETURNING FROM DEPLOYMENT WHO ARE FULL-TIME STUDENTS

BACKGROUND: An amendment to Section 7309 of the Military and Veterans Code (51 Pa.C.S. § 7309), related to health insurance coverage for deployed Guard and Reserve personnel who are full time students, took effect on 21 Feb 06.

PURPOSE: Guard and Reserve members who were full-time students have been ordered to extended tours of active duty. When they returned and re-enrolled in school, some found that they were too old to be covered by their parents' health insurance. If their studies had not been interrupted by military service, these Guard and Reserve members could have completed their studies with health insurance coverage under their parents' policies. The purpose of this law is to extend eligibility for coverage under a parent's health insurance coverage for Guard and Reserve members who were full-time students and lost such coverage because of age.

ELIGIBILITY: To qualify for the extension of health insurance coverage a service member must:

- Be a member of the Pennsylvania National Guard or a Reserve Component of the Armed Forces of the United States
- Be ordered to active federal duty or state active duty (other than active duty for training) for 30 or more consecutive days
- Be a full-time student (15 or more credit hours or equivalent) at an approved institution of higher learning.
- Be eligible for coverage under a parent's health insurance program at the time they are ordered to active duty.
- Become ineligible because of age for coverage under a parent's health insurance program at any time after the active duty tour.
- Re-enroll as a full-time student for the first term or semester beginning 60 or more days after release from active duty.

COVERAGE: Members of the Guard and Reserve, who meet the eligibility conditions described above, are eligible to be covered under their parents' health insurance coverage for additional time after they re-enroll as a full-time student. Their coverage is extended for a period equal to the duration of the service on active duty or until they are no longer full-time students. For example, a full-time student ordered to active duty for 18 months in the Guard and Reserve would be eligible for 18 months of additional coverage under his or her parents' policy. When a Guard or Reserve member is a full-time student covered by his or her parents' health insurance, their health insurance may not be terminated because of their age when they re-enroll after the interruption in their studies due to military service.

PROCEDURES: In order to qualify for the extension, the eligible member of the Guard or Reserves must submit three forms to the insurance company that provides his or her parents' health coverage. All these forms are available in .pdf format online at www.dmva.state.pa.us. These forms are:

- [Form to Notify Insurer of Active Duty Status \(DMVA Form 83-1\)](#) This form should be filed at the time the Guard or Reserve member starts active duty or at any time while he or she is on active duty. A copy of military orders should be attached to this form.
- [Form to Notify Insurer of Completion of Active Duty \(DMVA Form 83-2\)](#) This form is filed after the Guard or Reserve member completes their active duty tour. A copy of military orders should be attached to this form.
- [Form to Notify Insurer of Re-Enrollment as Full-Time Student \(DMVA Form 83-3\)](#) This form should be filed when the Guard/Reserve member re-enrolls as a full-time student after completion of the active duty tour.

FREQUENTLY ASKED QUESTIONS

Q. I am currently on active duty (other than active duty for training) as a member of the Guard or Reserves. I didn't send a form to my parents' health insurer at the start of my tour because I didn't know this was required. What can I do?

A. The law imposes no deadlines for submission of the three forms, but all three must be submitted for your health insurance coverage to be extended. As soon as reasonably possible, you should submit a copy of DMVA Form 83-1 to your parents' insurer. Include a copy of your orders with the form.

Q. I just completed an 18-month tour of active duty (not for training) as a member of the Guard or Reserves. What do I do now to extend my parents' health coverage when I re-enroll in school?

A. The law imposes no deadlines for the submission of the three forms. As soon as reasonably possible, you should submit copies of both DMVA Forms 83-1 and 83-2 to your parents' insurer. Include copies of your orders with the forms. When you re-enroll as a student (for the first term or semester beginning 60 or more days after you completed active duty), you should complete the DMVA Form 83-3 and send it to your parents' insurer.

Q. I've sent in all the forms. When does my health coverage under my parents' policy start?

A. You should be covered as soon as you re-enroll as a full-time student. Remember that you may be eligible for TRICARE coverage for a period of time after you get off active duty as well. Check with your military personnel office.

Q. Will I have coverage during the time period between the time I was released from active duty and the time I re-enrolled as a full-time student?

A. The law does not address this question directly. Insurers may be willing to extend coverage during this period. Check with your parents' insurer.

Q. How long will I be able to maintain coverage under my parents' health insurance policy?

A. The law extends eligibility for coverage for a period equal to the time you were on active duty other than active duty for training. It also says that coverage ends when you are no longer a full-time student. For example, if you were on active duty (not for training) for 18 months and you re-enroll as a full-time student, you should get 18 months of additional eligibility as long as you remain a full-time student.

Q. My parents' health insurer charges extra to cover children including when they are full-time student. Do they still have to pay the additional cost?

A. The law extends eligibility for coverage under the same terms and conditions that applied before you were ordered to active duty. So if your parents' insurer charged for such coverage before you went on duty, they can resume such charges when the coverage is extended. Check with your insurer for more information.

Q. I wasn't too old for coverage under my parents' health insurance program when I was released from active duty and went back to school but I am now and am still a full-time student. Can I extend coverage under this law?

A. Yes. You should be able to extend coverage for the number of months you were on active duty (other than active duty for training). For example, let's say your parents' insurer covers children who are full-time students up to age 23. You were ordered to active duty for 18 months when you were 20 and a sophomore in college. When you were released from active duty, you were age 22 and you resumed your studies. Instead of terminating coverage when you turn 23, the insurer should extend coverage for 18 months or until you're age 24 and ½. You should get 18 months of additional eligibility provide you remain enrolled as a full-time student.

Q. I'm scheduled to be released from a tour of active duty on 31 July 2011. What's the latest I can re-enroll as a full-time student?

A. You need to re-enroll as a full-time student for the first term or semester that begins 60 or more days after your release from active duty. In the example, that would mean you have to re-enroll for the first term or semester beginning on or after 30 September. If the first term or semester that begins after that date starts in January 2012 (as would be the case in many situations), that would be your most likely deadline. Remember that your parents' health care coverage provider is not required to cover you until you are re-enrolled as a full-time student.

Q. I got married after I was released from active duty. Am I still eligible for my parents' health insurance while a full-time student?

A. It depends on the terms of the health insurance plan. Remember that the law extends eligibility for coverage for Guard and Reserve soldiers who are full-time students and became ineligible because of their age as a result of the delay in their studies when they were ordered to active duty. This law does not address issues other than age, such as marriage or having dependents, that might (or might not) cause someone to become ineligible for coverage under the terms of their parents' plan.

TEXT OF 51 Pa. C.S. § 7309(d)

As amended by the Act of December 22, 2005 (Act 83 of 2005) (SB 869, PN1406)

§ 7309 Employment discrimination for military membership or duty

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(d) Termination of certain health insurance benefits.—

(1) As used in this subsection, the term "eligible member" applies to full-time students, who are eligible for health insurance under their parents' health insurance policies when the students are:

- (i) members of the Pennsylvania National Guard or any reserve component of the armed forces of the United States who are called or ordered to active duty, other than active duty for training, for a period of 30 or more consecutive days; or
- (ii) members of the Pennsylvania National Guard ordered to active State duty, including duty under 35 Pa.C.S. Ch. 76 (relating to Emergency Management Assistance Compact), for a period of 30 or more consecutive days.

(2) As used in this subsection, the term "full-time student" shall have the same meaning set forth in Chapter 32 (relating to Educational Assistance Program).

(3) The eligibility for health insurance coverage under a parent's health insurance policy for eligible members as defined in paragraph (1) shall be extended for a period equal to the duration of the eligible member's service on active duty or active State duty or until the eligible member is no longer a full-time student. The eligibility of an eligible member who is a full-time student for health insurance coverage under a parent's policy shall not terminate because of the age of the eligible member when the member's educational program was interrupted because of military duty.

(4) In order to qualify for this extension, the eligible member must:

- (i) Submit a form approved by the Department of Military and Veterans Affairs notifying the insurer that the eligible member has been placed on active duty.
- (ii) Submit a form approved by the Department of Military and Veterans Affairs notifying the insurer that the eligible member is no longer on active duty.
- (iii) Submit a form approved by the Department of Military and Veterans Affairs showing that the student has reenrolled as a full-time student for the first term or semester starting 60 or more days after his or her release from active duty.

(5) The provisions of this subsection shall not apply to a health insurance policy that has been terminated.

(e) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Health insurance policy." An individual or group health, sickness or accident policy or subscriber contract or certificate issued by an entity subject to any one of the following:

- (1) The act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921.
- (2) The act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act.
- (3) The act of May 18, 1976 (P.L.123, No.54), known as the Individual Accident and Sickness Insurance Minimum Standards Act.
- (4) 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations) or 63 (relating to professional health services plan corporations).