Health Plan Coverage for the Former Spouse of an Employee

Dependent Eligibility

“Dependent” of an employee who meets the eligibility requirements under this Plan shall mean the spouse or domestic partner, as well as dependent child(ren) up to the age of 26.

Health Plan

"Health Plan" is defined as MIT’s medical, dental and vision plans.

Coverage for Former Spouses

Except as described below, a former spouse who has been covered under MIT’s Health Plan is no longer eligible to continue that coverage once divorced. The former spouse will be removed from the MIT Health Plan once MIT is notified and provided with a copy of the final Divorce Decree signed and dated by the judge. The effective date for removal of the former spouse will be the date stipulated in the final Divorce Decree. Payroll deductions for a former spouse’s coverage must be paid through the end of the pay period in which the spouse’s coverage ends. Any dependent child(ren) covered under your Health Plan(s) can continue to be covered under the Health Plan(s) up to 26 years of age.
Failure to notify MIT of a divorce results in continued coverage for a former spouse who is no longer considered an eligible dependent under MIT’s Health Plans. Intentional misrepresentation of eligibility for dependent healthcare coverage is considered fraud and can result in disciplinary action up to and including termination. In addition, any premium subsidies paid by MIT may be recovered from the employee.

Divorce Decree

If at the time of the divorce the former spouse is under age 65 and covered under any of the MIT Health Plans and the Divorce Decree states that the employee is legally required to continue to provide health coverage for the former spouse, MIT’s Health Plan will allow coverage for the former spouse to continue under a separate, individual plan at 100% of the full, unsubsidized plan rates. The former spouse will only be offered continuation coverage for the health plans he/she was enrolled in prior to the divorce, i.e. if enrolled in medical only, then continuation of medical coverage will be the only plan offered to the former spouse. If such coverage is waived, MIT will not offer any future opportunity to enroll in such coverage. The coverage can continue until one of the following events occurs:

- The former spouse turns age 65
- The former spouse remarries
- The employee retires
- The employee is no longer obligated to provide coverage for the former spouse per the Divorce Decree
- The employee is no longer eligible for benefits under the Plan (e.g., due to the employee's death, termination of employment, etc.)

- The former spouse or employee, whoever is responsible for payment, fails to pay required premiums
- MIT amends the Healthcare Program to eliminate this coverage option

If the former spouse becomes ineligible for continued coverage under MIT's Health Plan(s) due to one of the events above, the former spouse's coverage will be terminated on the first of the month after the event occurs, unless the divorce decree specifies a coverage end date. The former spouse will be offered the option to continue coverage pursuant to COBRA.

If an employee's former spouse is over the age of 65 at the time MIT is notified and provided with a copy of the final Divorce Decree signed and dated by the judge, the MIT Health Plan will not allow coverage to continue for the former spouse. The former spouse will be removed effective the date the divorce becomes finalized and he/she will be offered the option to continue coverage pursuant to COBRA. Upon request, MIT will provide a letter to the former spouse to waive any late enrollment penalty that may be assessed by Medicare if the former spouse decides to enroll in Medicare when his/her coverage under the MIT Health Plan is lost.

COBRA Continuation Coverage for Former Spouses

If a former spouse of an employee loses coverage as a result of the divorce from the employee, the spouse will be offered continuation of coverage for up to 36 months pursuant to COBRA. COBRA continuation coverage will terminate prior to the expiration of 36 months in the following circumstances:

- The former spouse becomes entitled to (i.e., enrolled in) Medicare Parts A or B
- The former spouse becomes covered under another group health plan
- The required COBRA premiums are not paid
- MIT discontinues the Healthcare Program

COBRA continuation coverage will be offered to all former spouses, even if the former spouse is eligible to continue coverage under the MIT Healthcare Program due to a Divorce Decree, as described above.

Death of Active Employee

In the event of the death of an employee whose former spouse is covered under MIT's Health Plan due to a Divorce Decree, as described above, the former spouse will no longer be eligible for continued coverage. MIT will, however, offer such person the option to continue coverage under COBRA.

MIT reserves the right to amend, modify or terminate the Plan or any part thereof with or without notice, at any time at its sole discretion.