

## FEHB Protection Act of 2025

### Frequently Asked Questions Family Member Eligibility Verification during Open Season

This document provides answers to common questions about implementing the FEHB Protection Act of 2025 family member eligibility verification requirements.

#### **1. Question: What is the FEHB Protection Act and what does it mean for Open Season?**

Answer: The FEHB Protection Act of 2025 (Sec. 90101, Public Law 119-21, 139 Stat. 362) signed July 4, 2025, requires verification of a family member's eligibility when an enrollee wants to add a family member to a plan during Open Season.<sup>1</sup>

This requirement is in addition to existing eligibility verification requirements that employing offices perform for Initial Opportunity to Enroll (IOE) or Qualifying Life Events (QLEs). This does not replace current employing office responsibilities.

#### **2. Question: When does this new eligibility verification requirement apply?**

Answer: The employing office should verify the relationship of a family member at the time it adjudicates the Open Season election.

With the passage of the FEHB Protection Act, employing offices should verify a family member's eligibility whenever an enrollee adds a family member to FEHB coverage, including during:

- Initial Opportunity to Enroll (IOE)
- Open Season
- Qualifying Life Events (QLEs)
- Other enrollment actions that add eligible family members

#### **3. Question: Which family members must be verified?**

Answer: Covered family members added to FEHB Program coverage include the enrollee's spouse and children under the age of 26 such as biological children, adopted children, stepchildren, and foster children. A disabled child age 26 or older who is determined by

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<sup>1</sup> For brevity, and unless specifically stated otherwise, the FEHB Program includes the Postal Service Health Benefits Program (PSHB)

the employing office to be incapable of self-support because of a physical or mental disability that existed before their 26<sup>th</sup> birthday is also a covered family member.

**4. Question: Do employing offices still verify existing family members?**

Answer: Employing offices are required to verify new family members being added to a FEHB Program enrollment.

**5. Question: If a family member has already been verified, should employing offices verify them again?**

Answer: Although it is not required or prohibited to conduct re-verification of family members, if the enrollee has already provided documentation deemed acceptable as proof of eligibility for a family member during the plan year, no additional documentation will be required for that family member, per BAL 24-204. If the documentation was received outside of the plan year, verification may be required again.

**6. Question: Can employing offices verify eligibility after coverage becomes effective?**

Answer: Agencies should make every effort to verify new family members within 30 days of receiving the acceptable documents from the enrollee. If this verification occurs after the effective date of coverage and the family member is determined to be ineligible, the employing office will remove that individual in accordance with 5 CFR 890.308(f).

**7. Question: What is the process for verifying the Qualifying Life Event?**

Answer: Enrollees must provide documentation that indicates eligibility for the QLE as well as proof of eligibility when adding a family member to the FEHB Program enrollment to the employing offices, Carriers, or OPM.

**8. Question: If an employing office already verifies family members during a QLE, does anything change?**

Answer: If an enrollee has already provided documentation deemed acceptable as proof of eligibility for a family member for a QLE election during the plan year prior to Open Season verification request, per BAL 24-204, no additional documentation is necessary for family members that were verified previously.

**9. Question: Should verification occur before Open Season closes?**

Answer: The employing office should verify eligibility when it processes the Open Season election.

**10. Question: What happens if an employee changes their election multiple times during Open Season?**

Answer: The employing office must ensure that it has verified eligibility when it processes the final Open Season election. If verification of a family member's eligibility was performed during a previous election during the same Open Season, the employing office does not need to re-verify.

**11. Question: Can employing offices retain family member documentation in the OPF/eOPF?**

Answer: Yes, these are enrollment records and should be retained in accordance with the employing office's regular procedures. Current record retention requirements have not changed.

**12. Question: Will FEHB Program Carriers continue processing additions that do not change premiums?**

Answer: Yes. Existing FEHB Program Carrier processes remain in effect while complying with the new verification requirements. This means that before adding a family member to an existing Self and Family enrollment, an FEHB Carrier must require that the enrollee provide proof of that family member's eligibility for coverage through the FEHB Program.

**13. Question: Will Shared Service Provider systems be modified?**

Answer: OPM does not manage employing office enrollment systems. Questions regarding system functionality should be directed to the employing office's Shared Service Provider.

**14. Question: Will agencies need to stop using electronic enrollment systems?**

Answer: Employing offices should continue working with their Shared Service Providers regarding system capabilities and implementation.

**15. Question: Will OPM require document upload capability in agency systems?** Answer:

Questions regarding document upload capabilities should be directed to the Shared Service Provider.