

OC Register Q&A – Sr. Health Care Coverage/COBRA

Q. I am planning on retiring at the end of next month (May) and I will turn 62 at the end of June. I am presently being treated for a shoulder injury from tripping and falling on our morning walk. I've been advised that any 'pre-existing' condition will be an automatic decline for an individual health policy. I have also been told that I can have COBRA for 36 months and after that, there is a 'Senior COBRA' that will kick in until I reach 65.

Can you advise me if this is true or not?

A. Under COBRA rules, a covered group health plan must be offered to each participant of the plan who would otherwise lose coverage as a result of a qualifying event – in your case, ending active employment with your employer. Regarding retirees, California law states that former employees and their spouses may continue group coverage through an arrangement directly with their insurer/HMO if the employee worked at least five years before termination with the same employer and was at least 60 years old at the time of termination. Additionally, you must also be allowed to convert your group health plan to a non-group policy without having to present evidence of insurability (unless your group plan was terminated for non-payment of premiums).

Your COBRA coverage extends to 36 months. COBRA coverage may be discontinued if one of the following occurs: 1) You become eligible for Medicare; 2) You turn 65; 3) You become covered by another group health plan; 4) Your former employer ceases to maintain any group health plan.

The provisions of COBRA and ERISA (law that regulates employee benefit plans) are very complex. You may want to consult legal advice to fully understand what you are eligible for based on your situation.

- Written by Audrienne Adams