

From: [Robin Van Vliet](#)  
 To: [E-OHPSCA-ER, EBSA](#)  
 Subject: Comment on Notice 2012-59 - Guidance on 90-day waiting period limitation  
 Date: Wednesday, September 05, 2012 4:16:01 PM

Hello,

Clarification or guidance on the following scenario would be welcome.

Employer B has fully insured health plans, including HMO options. They currently provide benefits to full-time employees on the first of the month coinciding with or after 90 days from date of hire. Their insurance carrier will not bill pro-rata for partial months. This current waiting period definition would result in coverage beginning after 90 days from eligibility.

Below are several scenarios for hire dates in 2013.

Hire date	1/2/2013	2/2/2013	3/2/2013	4/2/2013	5/2/2013	6/2/2013	7/2/2013	8/2/2013	9/2/2013	10/2/2013	11/2/2013	12/2/2013
90 day wait	4/2/2013	5/3/2013	5/31/2013	7/1/2013	7/31/2013	8/31/2013	9/30/2013	10/31/2013	12/1/2013	12/31/2013	1/31/2014	3/2/2014
Coverage (First of month on/after 90 days)	5/1/2013	6/1/2013	6/1/2013	7/1/2013	8/1/2013	9/1/2013	10/1/2013	11/1/2013	12/1/2013	1/1/2014	2/1/2014	4/1/2014
Days from Hire to Coverage	119	119	91	90	91	91	91	91	90	91	91	120

Hire date	1/25/2013	2/25/2013	3/25/2013	4/25/2013	5/25/2013	6/25/2013	7/25/2013	8/25/2013	9/25/2013	10/25/2013	11/25/2013	12/25/2013
90 day wait	4/25/2013	5/26/2013	6/23/2013	7/24/2013	8/23/2013	9/23/2013	10/23/2013	11/23/2013	12/24/2013	1/23/2014	2/23/2014	3/25/2014
Coverage (First of month on/after 90 days)	5/1/2013	6/1/2013	7/1/2013	8/1/2013	9/1/2013	10/1/2013	11/1/2013	12/1/2013	1/1/2014	2/1/2014	3/1/2014	4/1/2014
Days from Hire to Coverage	96	96	98	98	99	98	99	98	98	99	96	97

Please confirm whether or not coverage that begins on the first of the month following 90 days is acceptable. According to the guidance in Notice 2012-59, this would be acceptable (in Example 3) for an employee whose hours are reasonably expected to vary. But this is not clear if this can also apply to employees who are reasonably expected to be full-time.

Sincerely,  
 Robin



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