



Reproductive  
Associates of Delaware



## How do I determine if SB139 affects me?

In order to determine if and when SB139 may affect you, here are several key questions you will need to ask your employer. The HR Department at your company should have the answers to the following questions.

### 1. Does my employer have 50 or more eligible employees?

*Yes – Proceed to Question #2.*

*No - You are not subject to the mandate. **Your questions stop here.***

### 2. Does my company self-insure my medical insurance plan?

*Yes - Your company's health insurance policy is NOT subject to the mandate. This is per federal law. **Your questions stop here.***

*No – Proceed to Question #3.*

*Some examples of companies who are self-insured include the State of Delaware, City of Wilmington, New Castle County and Christiana Care Health System.*

### 3. When is my annual enrollment?

*It is important to know this because the mandate will go into effect on applicable plans at the next annual enrollment for your company following June 30, 2018.*

### 4. Is my company based in Delaware?

*If the answer is no, you will need to specifically ask if they will be adopting the mandate in Delaware. Unfortunately, employer-sponsored insurance is generally based on where the employer resides, however, it is possible that your insurance could be Delaware-based.*

Once you have determined the answers to these questions, please note there are some variables. One of the largest variables is that until you receive your annual enrollment information on your health insurance plan for the next enrollment year, it cannot be determined what your out-of-pocket cost will be for treatment should you qualify for coverage. This is because your deductible and your out-of-pocket max are determined at this time by your employer. While the new law ensures that it is standard for any type of treatment (all medical treatment including IVF, and that IVF cannot be subject to a different deductible i.e. carve-outs), the actual amount will still be given to you by your employer when they inform you about your insurance plan(s).

Another avenue you may want to research is your partner's health insurance, or your own if you don't currently participate. You may find that you have more options. It doesn't hurt to ask the above questions to both employers so you can have the best coverage you can. Remember, many annual enrollment periods include a January start date so time is of the essence to do your research.

If you need anything else, please let us know and we will be happy to help give more guidance.