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Bronx Hospital Gives Gay Couples Spouse Benefits

By JAMES BARRON

A Bronx hospital has become the largest private employer in the nation to provide the same health benefits for homosexual workers and their partners as for heterosexual employees and their husbands or wives.

The hospital, Montefiore Medical Center, said yesterday that gay and lesbian couples would be eligible for coverage if they could prove that their living arrangements were similar to those of married couples. The hospital said it would demand evidence -- drivers' licenses to show that an employee and his or her partner were living together, joint checking accounts to show "proof of financial interdependence" and a sworn statement from the two people that they were "each other's sole domestic partner."

The hospital's action is considered significant because the trend among cost-conscious private businesses has been away from paying benefits for spouses.

Some municipalities, mostly in the West, have moved to extend marriage benefits in their employee insurance packages to homosexual couples living in long-term relationships. But gay-rights groups say that antidiscrimination laws have not spelled out the rights to benefits for partners of gay and lesbian workers in private businesses.

"It very clearly sounds like they're blazing a trail for not-for-profit organizations," Dallas Salisbury, the president of the Employee Benefit Research Institute, a nonprofit group in Washington, said of Montefiore, which has about 9,000 employees.

Montefiore's change comes amid legal efforts to broaden the definition of family to include homosexual couples in long-term relationships.

New York State's highest court, the Court of Appeals, ruled in 1989 that two gay men who had lived together for a decade could be considered a family. Gay-rights groups hailed that as a step toward legalization of their relationships. Since then newspapers in Minneapolis and in communities near Seattle and San Francisco have published announcements of "domestic partnerships" along with announcements of weddings and engagements.

Minneapolis and San Francisco allow domestic partners to register their relationships with the city. But gay-rights groups say that doing so does not afford homosexual couples the legal benefits of marriage.

Bills to recognize domestic partnerships have been introduced in the New York City Council and the State Legislature in Albany. But gay-rights groups say that current law still allows employers to discriminate by not requiring them to provide the same benefits for gay couples as for married ones.

"We're working the same hours, but the heterosexual married employee is getting twice as many benefits to insure the spouse," said William B. Rubenstein, the director of the Lesbian and Gay Rights Project at the American Civil Liberties Union, who negotiated with Montefiore after a staff oncologist there complained that her domestic partner was not covered by her health-care package. Non-Working Partners Covered

The hospital said domestic partners would be covered whether or not they were employees of the hospital. The hospital said it did not expect the change in coverage to have a significant financial impact on the insurance plan. The hospital self-insures the coverage, taking in premiums and paying claims itself. Mr. Salisbury and other insurance experts said that meant that Montefiore was somewhat freer to broaden its coverage than employers whose policies are underwritten by private insurers.

Barbara Janes, a Montefiore spokeswoman, said the change would apply only to people "who are unable, by law, to marry because of laws prohibiting marriage of persons of the same sex." She and Mr. Rubenstein said they did not know how many homosexuals were on Montefiore's staff or how many of them would apply for

coverage.

"It's evident Montefiore based its decision to limit this to lesbian and gay partners on the fact that gay people cannot get married anywhere in the United States," Mr. Rubenstein said, "while heterosexual people have that option."

Mr. Rubenstein said that if Montefiore was similar to estimates made by some sex researchers, about 10 percent of the staff at the hospital, or about 900 people, would be homosexual. He said that private insurance companies were reluctant to extend coverage to gay couples and that the data from Montefiore could help change their minds.

Montefiore will not screen employees or their partners for AIDS. That removes what Arthur Leonard, a professor at New York Law School who writes a newsletter on gay issues, said was a barrier to extending coverage to gay couples.

"One of the main stumbling blocks has been the perception that some companies may have that extending these benefits will buy themselves a lot of costly AIDS cases," he said. "But the experience of municipalities on the West Coast that have extended domestic partnership benefits is that domestic partners don't present a disproportionately high number of claims. They come out about the same as spouses in the number of claims they present."

The American Civil Liberties Union began negotiating with Montefiore to broaden its coverage after a Montefiore oncologist, Dr. Katherine A. O'Hanlan, requested spousal benefits for her partner.

The hospital settled with Dr. O'Hanlan without going to court, Mr. Rubenstein said. But another lesbian couple made a similar request. "We knew we could keep going back with one case after another," Mr. Rubenstein said. "And when we went back with the second case, they said, 'We can't spend the rest of our lives doing one case at a time. We get the point.' "