

By: Senator(s) Huggins

To: Public Health and Welfare

SENATE BILL NO. 2386

1 AN ACT TO AMEND SECTION 43-13-303, MISSISSIPPI CODE OF 1972,
2 TO PRESCRIBE PROCEDURES FOR HEALTH INSURANCE ENROLLMENT IN CHILD
3 SUPPORT CASES ADMINISTERED BY THE DEPARTMENT OF HUMAN SERVICES;
4 AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 43-13-303, Mississippi Code of 1972, is
7 amended as follows:

8 43-13-303. (1) The Department of Human Services, in
9 administering its child support enforcement program on behalf of
10 Medicaid and non-Medicaid recipients, or any other attorney
11 representing a Medicaid recipient, shall include a prayer for
12 medical support in complaints and other pleadings in obtaining a
13 child support order whenever health-care coverage is available to
14 the absent parent at a reasonable cost. Nothing in this section
15 shall be construed to contradict the provisions of Section
16 43-19-101(6).

17 (2) Health insurance enrollment shall be on the form
18 prescribed by the Department of Human Services unless a court or
19 administrative order stipulates an alternative form of health-care
20 coverage other than employer-based coverage. Employers must
21 complete the employer response and return to the Department of
22 Human Services within twenty (20) days. Employers must transfer
23 the Medical Support Notice to Plan Administrator Part B to the
24 appropriate group health plan providing any such health-care
25 coverage for which the child(ren) is eligible within twenty (20)
26 business days after the date of the notice. Employers must
27 withhold any obligation of the employee for employee contributions
28 necessary for coverage of the child(ren) and send any amount



29 withheld directly to the plan. Employees may contest the
30 withholding based on a mistake of fact. If the employee contests
31 such withholding, the employer must initiate withholding until
32 such time as the employer receives notice that the contest is
33 resolved. Employers must notify the Department of Human Services
34 promptly whenever the noncustodial parent's employment is
35 terminated in the same manner as required for income withholding
36 cases.

37 (3) Health insurers, including, but not limited to, ERISA
38 plans, preferred provider organizations, and HMO's, shall not have
39 contracts that limit or exclude payments if the individual is
40 eligible for Medicaid, is not claimed as a dependent on the
41 federal income tax return, or does not reside with the parent or
42 in the insurer's service area.

43 Health insurers and employers shall honor court or
44 administrative orders by permitting enrollment of a child or
45 children at any time and by allowing enrollment by the custodial
46 parent, the Division of Medicaid, or the Child Support Enforcement
47 Agency if the absent parent fails to enroll the child(ren).

48 The health insurer and the employer shall not disenroll a
49 child unless written documentation substantiates that the court
50 order is no longer in effect, the child will be enrolled through
51 another insurer, or the employer has eliminated family health
52 coverage for all of its employees.

53 The employer shall allow payroll deduction for the insurance
54 premium from the absent parent's wages and pay the insurer. The
55 health insurer and the employer shall not impose requirements on
56 the Medicaid recipient that are different from those applicable to
57 any other individual. The health insurer shall provide pertinent
58 information to the custodial parent to allow the child to obtain
59 benefits and shall permit custodial parents to submit claims to
60 the insurer.



61 The health insurer and employer shall notify the Division of
62 Medicaid and the Department of Human Services when lapses in
63 coverage occur in court-ordered insurance. If the noncustodial
64 parent has provided such coverage and has changed employment, and
65 the new employer provides health-care coverage, the Department of
66 Human Services shall transfer notice of the provision to the
67 employer, which notice shall operate to enroll the child in the
68 noncustodial parent's health plan, unless the noncustodial parent
69 contests the notice. The health insurer and employer shall allow
70 payments to the provider of medical services, shall honor the
71 assignment of rights to third-party sources by the Medicaid
72 recipient and the subrogation rights of the Division of Medicaid
73 as set forth in Section 43-13-305, Mississippi Code of 1972, and
74 shall permit payment to the custodial parent.

75 The employer shall allow the Division of Medicaid to garnish
76 wages of the absent parent when such parent has received payment
77 from the third party for medical services rendered to the insured
78 child and such parent has failed to reimburse the Division of
79 Medicaid to the extent of the medical service payment.

80 Any insurer or the employer who fails to comply with the
81 provisions of this subsection shall be liable to the Division of
82 Medicaid to the extent of payments made to the provider of medical
83 services rendered to a recipient to which the third party or
84 parties, is, are, or may be liable.

85 (4) The Division of Medicaid shall report to the Mississippi
86 State Tax Commission an absent parent who has received third-party
87 payment(s) for medical services rendered to the insured child and
88 who has not reimbursed the Division of Medicaid for the related
89 medical service payment(s). The Mississippi State Tax Commission
90 shall withhold from the absent parent's state tax refund, and pay
91 to the Division of Medicaid, the amount of the third-party
92 payment(s) for medical services rendered to the insured child and



93 not reimbursed to the Division of Medicaid for the related medical
94 service payment(s).

95 **SECTION 2.** This act shall take effect and be in force from
96 and after July 1, 2003.

