



The following information is in regards to Qualified Medical Child Support Orders, if you have any questions pursuant to this information please contact TCC Benefits Administrator.

### QUALIFIED MEDICAL CHILD SUPPORT ORDER

Group Health Plan Coverage Pursuant to Medical Child Support Orders -

1. The Employer's Group Health Plan shall pay Covered Expenses in accordance with the applicable requirements of any Qualified Medical Child Support Order.

DEFINITIONS. For purposes of this subsection –

- A. **QMCSO:** a Medical Child Support Order that:
  - i. Creates or recognizes the existence of an Alternate Recipient's right to enroll under the Plan of Benefits; or
  - ii. Assigns to an Alternate Recipient the right to enroll under the Plan of Benefits.
- B. **Medical Child Support Order:** any judgment, decree or order (including an approved settlement agreement) issued by a court of competent jurisdiction or a national medical support notice issued by the applicable state agency which:
  - i. Provides child support with respect to a Child or provides for health benefit coverage to a Child, is made pursuant to a state domestic relations law (including a community property law), and relates to the Plan of Benefits;
  - ii. Enforces a law relating to medical child support described in Section 1908 of the Social Security Act (as added by section 13822 of the Omnibus Budget Reconciliation Act of 1993) with respect to a Group Health Plan.
  - iii. A Medical Child Support Order must clearly specify:
    - a. The name and the last known mailing address (if any) of each Member Employee and the name and mailing address of each Alternate Recipient covered by the order;
    - b. A reasonable description of the type of coverage to be provided by the Group Health Plan to each such Alternate Recipient or the manner in which such type of coverage is to be determined;
    - c. The period to which such order applies; and
    - d. Each Group Health Plan to which such order applies.
  - iv. If the Medical Child Support Order is a national medical support notice, the order must also include:
    - a. The name of the issuing agency;

- b. The name and mailing address of an official or agency that has been substituted for the mailing address of any Alternate Recipient; and
  - c. The identification of the underlying Medical Child Support Order.
- v. A Medical Child Support Order meets the requirement of this definition only if such order does not require a Group Health Plan to provide any type or form of the requirements of a law relating to medical child support described in Section 1908 of the Social Security Act (as added by section of 13822 of the Omnibus Budget Reconciliation Act of 1993).

C. **Alternate Recipient:** any Child who is recognized under a Medical Child Support Order as having a right to enroll in this Plan of Benefits.

## 2. Procedural Requirements

### a. Timely Notifications and Determinations

In the case of any Medical Child Support Order received by the Employer's Group Health Plan:

- i. The Employer as the Plan Administrator shall promptly notify the Employee and each Alternate Recipient of the receipt of the Medical Child Support Order and the Claims Administrator's procedures for determining whether Medical Child Support Orders are Qualified Medical Child Support Orders; and,
- ii. Within a reasonable period after receipt of such Qualified Medical Child Support Order, the Employer shall determine whether such order is a Qualified Medical Child Support Order and notify the Employee and each Alternate Recipient of such determination.

### b. Establishment of Procedures for Determining Qualified Status of Orders

The Employer as the Plan Administrator shall establish reasonable procedures to determine whether Medical Child Support Orders are Qualified Medical Child Support Orders and to administer the provision of Covered Expenses under such qualified orders. The Employer's procedures:

- i. Shall be in writing;
- ii. Shall provide for the notification of each person specified in a Medical Child Support Order as eligible to receive Benefits under the Plan of Benefits (at the address included in the Medical Child Support Order) of the Employer's procedures promptly upon receipt by the Plan Administrator of the Medical Child Support Order; and,
- iii. Shall permit an Alternate Recipient to designate a representative for receipt of copies of notices that are sent to the Alternate Recipient with respect to a Medical Child Support Order.

### c. Actions Taken by Fiduciaries

If a Plan fiduciary for the Employer's Group Health Plan acts in accordance with these procedural requirements in treating a Medical Child Support Order as being (or not being) a Qualified Medical Child Support Order, then the Employer's Group Health Plan obligation to the Member and each Alternate Recipient shall be discharged to the extent of any payment made pursuant to such act of the fiduciary.

## 3. Treatment of Alternate Recipients

- a. Generally a person who is an Alternate Recipient under any Medical Child Support Order shall be considered a beneficiary under the Employer's Group Health Plan for purposes of any provisions of Employee Retirement Income Security Act of 1974, as amended, and shall be treated as a participant under the reporting and disclosure requirements of Employee Retirement Income Security Act of 1974, as amended.

- b. **Direct Provision of Benefits Provided to Alternate Recipients**  
Any payment for Covered Expenses made by the Employer's Group Health Plan pursuant to a Medical Child Support Order in reimbursement for expenses paid by an Alternate Recipient or an Alternate Recipient's custodial parent or legal guardian shall be made to the Alternate Recipient or the Alternate Recipient's custodial parent or legal guardian.
- c. **Plan Enrollment and Payroll Deductions**  
If an Employee remains covered under the Employer's Group Health Plan but fails to enroll an Alternate Recipient under the Plan of Benefits after receiving notice of the Qualified Medical Child Support Order from the Employer, the Employer shall enroll the Alternate Recipient and deduct the additional Premium from the Employee's paycheck.
- d. **Termination of Coverage**  
Except for any coverage continuation rights otherwise available under the Employer's Group Health Plan, the coverage for the Alternate Recipient shall end on the earliest of:
  - i. The date the Employee's coverage ends;
  - ii. The date the Qualified Medical Child Support Order is no longer in effect;
  - iii. The date the Employee obtains other comparable health coverage through another insurer or Plan to cover the Alternate Recipient; or,
  - iv. The date the Employer eliminates family health coverage for all of its Employees.