
By: **Delegate Hubbard**

Introduced and read first time: February 8, 2002

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 1, 2002

CHAPTER 411

1 AN ACT concerning

2 **Health Insurance - Coverage Under Medical Support Notices**

3 FOR the purpose of prohibiting certain entities from refusing to enroll a child because
4 the child is receiving or is eligible to receive certain benefits; requiring certain
5 carriers, within a certain time after receipt of certain medical support notices, to
6 make certain determinations about the medical support notice, make a
7 determination about a child's eligibility for enrollment in a health insurance
8 plan, enroll an eligible child, and send certain notices and information to certain
9 persons under certain circumstances; requiring certain carriers to enroll certain
10 people without regard to certain enrollment restrictions under certain
11 circumstances; providing that a certain notification requirement may be
12 satisfied by notifying a child's custodial parent under certain circumstances;
13 requiring an employer to send certain parts of a medical support notice to
14 certain insurers within a certain time period after receipt of a medical support
15 notice; requiring an employer to withhold certain amounts from an employee's
16 earnings and send the amounts deducted to a certain carrier at certain times
17 under certain circumstances; authorizing and requiring a child support agency
18 to issue a medical support notice under certain circumstances; specifying the
19 format and contents of a medical support notice; establishing the priority of a
20 medical support notice; requiring a medical support notice that is completed
21 appropriately and satisfies certain conditions to be treated as, be enforceable in
22 the same manner as, and have the same force and effect as a qualified medical
23 child support order; requiring a medical support notice issued in another state to
24 be enforced in the same manner as a medical support notice issued in this State;
25 requiring a child support agency to send a completed medical support notice to
26 the employer of a parent who has been ordered to provide health insurance
27 coverage for a child under the medical support notice under certain
28 circumstances; requiring an employer to send certain parts of a medical support

1 ~~notice to certain persons under certain circumstances; requiring an employer to~~
2 ~~withhold certain amounts from an employee's earnings and send the amounts~~
3 ~~deducted to a certain carrier at certain times under certain circumstances;~~
4 ~~requiring a certain carrier, within a certain time after the date of a certain~~
5 ~~medical support notice, to make certain determinations about the medical~~
6 ~~support notice, make a determination about a child's eligibility for enrollment in~~
7 ~~a health insurance plan, enroll an eligible child, and send certain notices and~~
8 ~~information to certain persons under certain circumstances; requiring a carrier~~
9 ~~to enroll both an employee and a child in a health insurance plan under certain~~
10 ~~circumstances; requiring a carrier to complete enrollment of an eligible child~~
11 ~~without regard to certain restrictions; prohibiting a carrier from refusing to~~
12 ~~enroll a child for certain reasons; requiring an employer to take certain actions~~
13 ~~on receipt of a medical support notice; prohibiting an employer from using the~~
14 ~~existence of a medical support notice as a basis for taking certain actions;~~
15 ~~authorizing an employee to contest a withholding of the employee's earnings in~~
16 ~~a certain manner under certain circumstances; defining certain terms; altering~~
17 ~~a certain definition; and generally relating to health insurance coverage under~~
18 ~~medical support notices.~~

19 BY renumbering

20 Article - Family Law
21 Section 12-102.1
22 to be Section 12-102.2
23 Annotated Code of Maryland
24 (1999 Replacement Volume and 2001 Supplement)

25 BY repealing and reenacting, with amendments,

26 Article - Health - General
27 Section 19-706(h)
28 Annotated Code of Maryland
29 (2000 Replacement Volume and 2001 Supplement)

30 BY repealing and reenacting, with amendments,

31 Article - Insurance
32 Section 15-405
33 Annotated Code of Maryland
34 (1997 Volume and 2001 Supplement)

35 BY repealing and reenacting, with amendments,

36 Article - Family Law
37 Section 12-102
38 Annotated Code of Maryland
39 (1999 Replacement Volume and 2001 Supplement)

40 BY adding to

1 ~~Article - Insurance~~
 2 ~~Section 15-4A-01 through 15-4A-04, inclusive, to be under the new subtitle~~
 3 ~~"Subtitle 4A. Health Insurance Coverage Under Medical Support Notices"~~
 4 ~~Annotated Code of Maryland~~
 5 ~~(1997 Volume and 2001 Supplement)~~

6 ~~BY adding to~~
 7 ~~Article - Family Law~~
 8 ~~Section 12-102(a)(4) and 12-102.2~~
 9 ~~Annotated Code of Maryland~~
 10 ~~(1999 Replacement Volume and 2001 Supplement)~~

11 BY adding to
 12 Article - Family Law
 13 Section 12-102.1 and 12-102.3
 14 Annotated Code of Maryland
 15 (1999 Replacement Volume and 2001 Supplement)

16 BY repealing and reenacting, with amendments,
 17 Article - Family Law
 18 Section ~~12-102(d)(1) and (2) and (i) 12-102.2~~
 19 Annotated Code of Maryland
 20 (1999 Replacement Volume and 2001 Supplement)
 21 (As enacted by Section 1 of this Act)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 23 MARYLAND, That Section(s) 12-102.1 of Article - Family Law of the Annotated Code
 24 of Maryland be renumbered to be Section(s) 12-102.2.

25 ~~SECTION 1. 2. BE IT ENACTED BY THE GENERAL ASSEMBLY OF~~
 26 ~~MARYLAND AND BE IT FURTHER ENACTED,~~ That the Laws of Maryland read as
 27 follows:

28 **Article - Health - General**

29 19-706.

30 (h) The provisions of §§ 15-401, 15-402, 15-403, [and] 15-403.1, AND
 31 15-405 of the Insurance Article shall apply to health maintenance organizations.

32 **Article - Insurance**

33 15-405.

34 (a) (1) In this section the following words have the meanings indicated.

1 (2) "CARRIER" MEANS:

2 (I) AN INSURER THAT HOLDS A CERTIFICATE OF AUTHORITY IN
3 THE STATE AND PROVIDES HEALTH INSURANCE IN THE STATE;

4 (II) A HEALTH MAINTENANCE ORGANIZATION THAT IS LICENSED
5 TO OPERATE IN THE STATE; OR

6 (III) A NONPROFIT HEALTH SERVICE PLAN THAT IS LICENSED TO
7 OPERATE IN THE STATE.

8 [(2)] (3) "Health insurance coverage" means health care coverage under
9 which medical care services can be provided to a child.

10 [(3)] (4) "Insuring parent" means a parent who:

11 (i) is required under a court or administrative order to provide
12 health insurance coverage for a child; or

13 (ii) otherwise provides health insurance coverage for a child.

14 (5) "MEDICAL SUPPORT NOTICE" MEANS A NOTICE THAT IS:

15 (I) IN A FORMAT PRESCRIBED BY FEDERAL LAW; AND

16 (II) ISSUED BY A CHILD SUPPORT AGENCY TO ENFORCE THE
17 HEALTH INSURANCE COVERAGE PROVISIONS OF A CHILD SUPPORT ORDER.

18 [(4)] (6) "Order" means a ruling that:

19 (i) is issued by a court of this State or another state or an
20 administrative agency of another state; and

21 (ii) 1. creates or recognizes the right of a child to receive benefits
22 under a parent's health insurance coverage; OR

23 2. ESTABLISHES A PARENT'S OBLIGATION TO PAY CHILD
24 SUPPORT AND PROVIDE HEALTH INSURANCE COVERAGE FOR A CHILD.

25 (7) "QUALIFIED MEDICAL SUPPORT ORDER" MEANS A MEDICAL CHILD
26 SUPPORT ORDER ISSUED UNDER STATE LAW THAT COMPLIES WITH § 609(A) OF THE
27 EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974 (ERISA).

28 (b) This section applies to:

29 (1) [commercial] insurers, nonprofit health service plans, and health
30 maintenance organizations that operate in the State under a certificate of authority;

31 (2) group health plans, as defined in § 607(1) of the Employee
32 Retirement Income Security Act of 1974 (ERISA); and

1 (3) persons that offer a service benefit plan, as defined in federal law.

2 (c) If a parent eligible for family members' coverage is required under an order
3 to provide health insurance coverage for a child, an entity subject to this section:

4 (1) shall allow the insuring parent to enroll in family members' coverage
5 and include the child in that coverage regardless of enrollment period restrictions;

6 (2) if the insuring parent is enrolled in health insurance coverage but
7 does not include the child in the enrollment, shall:

8 (i) allow the noninsuring parent, child support enforcement
9 agency, or Department of Health and Mental Hygiene to apply for enrollment on
10 behalf of the child; and

11 (ii) include the child in the coverage regardless of enrollment period
12 restrictions; and

13 (3) may not terminate health insurance coverage for the child unless
14 written evidence is provided to the entity that:

15 (i) the order is no longer in effect;

16 (ii) the child has been or will be enrolled under other reasonable
17 health insurance coverage that will take effect on or before the effective date of the
18 termination;

19 (iii) the employer has eliminated family members' coverage for all of
20 its employees; or

21 (iv) the employer no longer employs the insuring parent, except that
22 if the parent elects to exercise the provisions of the federal Consolidated Omnibus
23 Budget Reconciliation Act of 1985 (COBRA), coverage shall be provided for the child
24 consistent with the employer's plan for postemployment health insurance coverage
25 for dependents.

26 (d) Notwithstanding any other provision of this article, an entity subject to
27 this section may not deny enrollment of a child under the health insurance coverage
28 of an insuring parent because the child:

29 (1) was born out of wedlock;

30 (2) is not claimed as a dependent on the insuring parent's federal income
31 tax return; [or]

32 (3) does not reside with the insuring parent or in the service area of the
33 entity; OR

34 (4) IS RECEIVING BENEFITS OR IS ELIGIBLE TO RECEIVE BENEFITS
35 UNDER THE MARYLAND MEDICAL ASSISTANCE PROGRAM.

1 (e) If a child has health insurance coverage through an insuring parent, an
2 entity subject to this section shall:

3 (1) provide to the noninsuring parent membership cards, claims forms,
4 and any other information necessary for the child to obtain benefits through the
5 health insurance coverage; and

6 (2) process the claims forms and make appropriate payment to the
7 noninsuring parent, health care provider, or Department of Health and Mental
8 Hygiene if the noninsuring parent incurs expenses for health care provided to the
9 child.

10 (F) WITHIN 20 BUSINESS DAYS AFTER RECEIPT OF A MEDICAL SUPPORT
11 NOTICE FROM AN EMPLOYER, THE CARRIER:

12 (1) SHALL DETERMINE WHETHER THE MEDICAL SUPPORT NOTICE
13 CONTAINS:

14 (I) THE EMPLOYEE'S NAME AND MAILING ADDRESS; AND

15 (II) THE CHILD'S NAME AND THE CHILD'S MAILING ADDRESS OR
16 THE ADDRESS OF A SUBSTITUTED OFFICIAL;

17 (2) IF THE MEDICAL SUPPORT NOTICE DOES NOT CONTAIN THE
18 INFORMATION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, SHALL
19 COMPLETE AND FORWARD THE APPROPRIATE PART OF THE MEDICAL SUPPORT
20 NOTICE TO THE ISSUING CHILD SUPPORT ENFORCEMENT AGENCY ADVISING THAT
21 THE MEDICAL SUPPORT NOTICE DOES NOT CONSTITUTE A QUALIFIED MEDICAL
22 CHILD SUPPORT ORDER; AND

23 (3) IF THE MEDICAL SUPPORT NOTICE CONTAINS THE INFORMATION
24 DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, SHALL COMPLY WITH THE
25 FOLLOWING REQUIREMENTS:

26 (I) DETERMINE THE CHILD'S ELIGIBILITY FOR ENROLLMENT;

27 (II) COMPLETE AND SEND THE APPROPRIATE PART OF THE
28 MEDICAL SUPPORT NOTICE TO THE EMPLOYER AND THE CHILD SUPPORT
29 ENFORCEMENT ADMINISTRATION;

30 (III) ENROLL THE CHILD IF THE CHILD IS ELIGIBLE FOR
31 ENROLLMENT, SUBJECT TO SUBSECTION (G) OF THIS SECTION;

32 (IV) SEND TO THE EMPLOYEE, CHILD, AND CUSTODIAL PARENT OF
33 THE CHILD A WRITTEN NOTICE THAT EXPLAINS THAT THE COVERAGE OF THE CHILD
34 IS OR WILL BECOME AVAILABLE TO THE CHILD; AND

35 (V) SEND TO THE CUSTODIAL PARENT OF THE CHILD A WRITTEN
36 DESCRIPTION OF:

- 1 1. THE HEALTH INSURANCE COVERAGE;
2 2. THE EFFECTIVE DATE OF COVERAGE;
3 3. THE EMPLOYEE'S COST FOR THE HEALTH INSURANCE
4 COVERAGE; AND
5 4. IF NOT ALREADY PROVIDED:
6 A. A SUMMARY PLAN DESCRIPTION;
7 B. ANY FORMS, DOCUMENTS, OR INFORMATION NECESSARY
8 TO EFFECTUATE COVERAGE; AND
9 C. ANY INFORMATION NECESSARY TO SUBMIT CLAIMS FOR
10 BENEFITS.

11 (G) IF THE EMPLOYEE'S ELIGIBILITY FOR HEALTH INSURANCE COVERAGE IS
12 SUBJECT TO A WAITING PERIOD THAT HAS NOT BEEN COMPLETED, THE CARRIER:

13 (1) SHALL COMPLETE AND SEND THE APPROPRIATE PART OF THE
14 MEDICAL SUPPORT NOTICE TO THE EMPLOYER AND THE ISSUING CHILD SUPPORT
15 AGENCY WITHIN 20 BUSINESS DAYS AFTER RECEIPT OF THE MEDICAL SUPPORT
16 NOTICE FROM THE EMPLOYER; AND

17 (2) ON THE EMPLOYEE'S SATISFACTION OF THE WAITING PERIOD,
18 SHALL COMPLETE ENROLLMENT OF THE CHILD IN ACCORDANCE WITH THIS
19 SECTION AND SEND THE NOTICE AND INFORMATION REQUIRED UNDER SUBSECTION
20 (F)(3) OF THIS SECTION.

21 (H) IF THE EMPLOYEE'S HEALTH INSURANCE PLAN REQUIRES THAT THE
22 EMPLOYEE BE ENROLLED IN ORDER FOR THE CHILD TO BE ENROLLED AND THE
23 EMPLOYEE IS NOT CURRENTLY ENROLLED, THE CARRIER SHALL ENROLL BOTH THE
24 EMPLOYEE AND THE CHILD, WITHOUT REGARD TO ENROLLMENT PERIOD
25 RESTRICTIONS, WITHIN THE TIME PERIOD SPECIFIED IN SUBSECTION (F) OF THIS
26 SECTION.

27 (I) IF A CHILD IS ELIGIBLE FOR ENROLLMENT, THE CARRIER SHALL
28 COMPLETE THE ENROLLMENT WITHOUT REGARD TO ENROLLMENT PERIOD
29 RESTRICTIONS, WITHIN THE TIME PERIODS SPECIFIED IN SUBSECTIONS (F) AND (G)
30 OF THIS SECTION.

31 (J) THE REQUIREMENT FOR NOTIFICATION OF THE CHILD UNDER
32 SUBSECTION (F)(3)(IV) OF THIS SECTION MAY BE SATISFIED BY NOTIFYING THE
33 CUSTODIAL PARENT IF THE CHILD AND THE CUSTODIAL PARENT LIVE AT THE SAME
34 ADDRESS.

SUBTITLE 4A. HEALTH INSURANCE COVERAGE UNDER MEDICAL SUPPORT NOTICES.

~~15-4A-01.~~

~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(B) "ADMINISTRATION" MEANS THE CHILD SUPPORT ENFORCEMENT ADMINISTRATION OF THE DEPARTMENT OF HUMAN RESOURCES.~~

~~(C) "CHILD SUPPORT ORDER" MEANS AN ORDER ISSUED BY A TRIBUNAL THAT ESTABLISHES A PARENT'S OBLIGATION TO PAY CHILD SUPPORT AND PROVIDE HEALTH INSURANCE COVERAGE FOR A CHILD.~~

~~(D) "CARRIER" MEANS:~~

~~(1) AN INSURER, A NONPROFIT HEALTH SERVICE PLAN, OR A HEALTH MAINTENANCE ORGANIZATION OPERATING IN THE STATE UNDER A CERTIFICATE OF AUTHORITY ISSUED BY THE COMMISSIONER;~~

~~(2) AN ENTITY THAT PROVIDES A GROUP HEALTH PLAN, AS DEFINED IN § 607(1) OF THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974; OR~~

~~(3) AN ENTITY OFFERING A SERVICE BENEFIT PLAN AS DEFINED BY FEDERAL LAW.~~

Article - Family Law

12-102.

(a) (1) In this section the following words have the meanings indicated.

(2) "Health insurance coverage" means any type of health care coverage under which medical care services can be provided to the child through an insurer.

(3) "Insurer" means:

(i) [a commercial] AN insurer, a nonprofit health service organization, or a health maintenance organization operating in this State under a certificate of authority issued by the Maryland Insurance Commissioner;

(ii) AN ENTITY THAT PROVIDES a group health plan, as defined in § 607(1) of the Employee Retirement Income Security Act of 1974; or

(iii) an entity offering a service benefit plan as defined by federal law.

~~(E) (4) "MEDICAL SUPPORT NOTICE" MEANS A NOTICE THAT IS:~~

~~(1) IN A FORMAT PRESCRIBED BY FEDERAL LAW; AND~~

1 (2) (II) ISSUED BY A CHILD SUPPORT AGENCY TO ENFORCE THE
2 HEALTH INSURANCE COVERAGE PROVISIONS OF A CHILD SUPPORT ORDER.

3 (4) (5) "TRIBUNAL" HAS THE MEANING STATED IN § 10-301 OF ~~THE FAMILY~~
4 ~~LAW~~ THIS ARTICLE.

5 (b) The court may include in any support order a provision requiring either
6 parent to include the child in the parent's health insurance coverage if:

7 (1) the parent can obtain health insurance coverage through an
8 employer or any form of group health insurance coverage; and

9 (2) the child can be included at a reasonable cost to the parent in that
10 health insurance coverage.

11 (c) An order of a court requiring the provision of health insurance coverage for
12 a child may be issued separate from or in conjunction with an earnings withholding
13 order.

14 (d) (1) If a court orders a parent to provide health insurance coverage under
15 this section, the parent under the order or the support enforcement agency shall send
16 a copy of the order OR MEDICAL SUPPORT NOTICE to the PARENT'S employer by
17 certified mail, return receipt requested, separate from or in conjunction with an
18 earnings withholding order, as provided in § 10-123 of this article.

19 (2) [On] WITHIN 20 BUSINESS DAYS AFTER THE receipt of the order OR
20 MEDICAL SUPPORT NOTICE, the employer shall:

21 (I) SEND THE APPROPRIATE PART OF THE MEDICAL SUPPORT
22 NOTICE TO THE EMPLOYER'S INSURER;

23 (II) IF THE EMPLOYER DETERMINES THAT, BASED ON REASONS
24 RELATED TO THE EMPLOYEE'S EMPLOYMENT STATUS, THE EMPLOYEE'S CHILD IS
25 INELIGIBLE FOR HEALTH INSURANCE COVERAGE, COMPLETE THE APPROPRIATE
26 PART OF THE MEDICAL SUPPORT NOTICE AND RETURN IT TO THE ISSUING CHILD
27 SUPPORT AGENCY;

28 (i) (III) permit the parent, a child support enforcement agency, or
29 the Department of Health and Mental Hygiene to enroll the child in any health
30 insurance coverage available to the parent without regard to any enrollment season
31 restrictions;

32 (ii) (IV) provide a statement to the support enforcement agency
33 and to both parents that the child:

34 1. has been enrolled in health insurance coverage;

35 2. will be enrolled in health insurance coverage and that the
36 expected date of enrollment will be provided; or

1 BUSINESS DAYS AFTER THE DAY ON WHICH THE EARNINGS ARE PAID TO THE
2 EMPLOYEE.

3 [(e)] (G) An employer or the child's parents may not disenroll or eliminate
4 coverage for the child in any manner unless:

5 (1) the employer is provided satisfactory written evidence that:

6 (i) the court order is no longer in effect; or

7 (ii) the child has been or will be enrolled under other reasonable
8 health insurance coverage, with the coverage to take effect no later than the effective
9 date of disenrollment;

10 (2) the employer has eliminated family health coverage for all of its
11 employees; or

12 (3) the employer no longer employs the parent under whose name the
13 child has been enrolled for coverage except to the extent that if the parent elects to
14 exercise the provisions of the Consolidated Omnibus Budget Reconciliation Act of
15 1985 (COBRA) then coverage must be provided for the child consistent with the
16 employer's plan relating to postemployment medical coverage for dependents.

17 [(f)] (H) (1) If the health insurance coverage for the child terminates, the
18 employer shall notify the other parent and, if a support enforcement agency is
19 involved in the case, the support enforcement agency within 15 days of termination of
20 the insurance.

21 (2) If, after a lapse in health insurance coverage, health insurance
22 coverage becomes available to the employee for the child, the employer shall:

23 (i) enroll the child in health insurance coverage without regard to
24 any enrollment season restrictions; and

25 (ii) within 15 days after health insurance coverage becomes
26 available, provide notice to the support enforcement agency and the other parent of
27 the enrollment.

28 [(g)] (I) Subject to the provisions of this section, the parent or the support
29 enforcement agency may bring a civil action against an employer who willfully
30 violates the provisions of this section.

31 [(h)] (J) This section does not limit the authority of a court to enter, modify, or
32 enforce an order requiring payment of uninsured health expenses, health care costs,
33 or health insurance premiums.

34 [(i)] (K) An employer may not use the existence of an order OR A MEDICAL
35 SUPPORT NOTICE requiring health insurance coverage as a basis for:

36 (1) reprisal against an employee;

1 (2) dismissal of an employee from employment; or

2 (3) refusal to hire a person or to promote an employee.

3 [(j)] (L) An order entered under this section is binding on a present and
4 future employer of the parent on whom a copy of this order is served.

5 ~~15-4A-02-12-102.1.~~

6 (A) A MEDICAL SUPPORT NOTICE:

7 (1) MAY BE ISSUED BY A CHILD SUPPORT AGENCY IN ANY CHILD
8 SUPPORT CASE IN WHICH A ~~TRIBUNAL~~ CIRCUIT COURT OF THIS STATE OR TRIBUNAL
9 OF ANOTHER JURISDICTION HAS ORDERED A PARENT TO INCLUDE THE CHILD IN
10 THE PARENT'S HEALTH INSURANCE COVERAGE; AND

11 (2) SHALL BE ISSUED BY A CHILD SUPPORT AGENCY IN ALL CHILD
12 SUPPORT CASES ENFORCED BY THE ADMINISTRATION IN WHICH A NONCUSTODIAL
13 PARENT'S EMPLOYER IS KNOWN AND A ~~TRIBUNAL~~ CIRCUIT COURT OF THIS STATE OR
14 TRIBUNAL OF ANOTHER JURISDICTION HAS ORDERED THE PARENT TO INCLUDE THE
15 CHILD IN THE PARENT'S HEALTH INSURANCE COVERAGE, UNLESS THE COURT
16 ORDER OR ADMINISTRATIVE ORDER PROVIDES FOR ALTERNATIVE HEALTH
17 INSURANCE COVERAGE.

18 (B) A MEDICAL SUPPORT NOTICE SHALL:

19 (1) BE IN A FORMAT APPROVED BY THE FEDERAL GOVERNMENT;

20 (2) BE A SEPARATE DOCUMENT THAT DOES NOT INCLUDE ANY OTHER
21 ORDERS OR PLEADINGS; AND

22 (3) INCLUDE THE FOLLOWING INFORMATION:

23 (I) A STATEMENT EXPLAINING THE EMPLOYER'S OBLIGATIONS
24 UNDER THIS SUBTITLE TO WITHHOLD ANY EMPLOYEE CONTRIBUTIONS DUE IN
25 CONNECTION WITH HEALTH INSURANCE COVERAGE FOR THE EMPLOYEE'S CHILD;

26 (II) A STATEMENT EXPLAINING THAT, SUBJECT TO FURTHER
27 ORDERS OF THE ~~TRIBUNAL~~ CIRCUIT COURT OF THIS STATE OR TRIBUNAL OF
28 ANOTHER JURISDICTION, THE EMPLOYER IS REQUIRED TO WITHHOLD THE
29 APPROPRIATE AMOUNT ON A REGULAR AND CONTINUING BASIS BEGINNING WITH
30 THE NEXT PAY PERIOD AFTER RECEIPT OF THE APPROPRIATE PART OF THE MEDICAL
31 SUPPORT NOTICE INDICATING THE EMPLOYEE'S CHILD IS ELIGIBLE FOR
32 ENROLLMENT;

33 (III) AN EXPLANATION OF THE APPLICATION OF THE FEDERAL
34 CONSUMER CREDIT PROTECTION ACT LIMITS;

1 (IV) AN EXPLANATION OF THE APPLICABILITY OF ANY
2 PRIORITIZATION REQUIRED WHEN AVAILABLE FUNDS ARE INSUFFICIENT FOR FULL
3 WITHHOLDING FOR BOTH CHILD SUPPORT AND MEDICAL SUPPORT;

4 (V) ANY OTHER INFORMATION THAT THE EMPLOYER NEEDS TO
5 COMPLY WITH THE MEDICAL SUPPORT NOTICE;

6 (VI) A STATEMENT THAT FAILURE TO COMPLY WITH THE MEDICAL
7 SUPPORT NOTICE WITHOUT GOOD CAUSE MAY SUBJECT THE EMPLOYER OR CARRIER
8 TO CIVIL OR CRIMINAL PENALTIES;

9 (VII) A STATEMENT OF THE EMPLOYEE'S RIGHT TO CONTEST THE
10 WITHHOLDING BASED ON A MISTAKE OF FACT; AND

11 (VIII) THE NAME AND TELEPHONE NUMBER OF THE APPROPRIATE
12 PERSON TO CONTACT AT THE ADMINISTRATION ABOUT THE MEDICAL SUPPORT
13 NOTICE.

14 (C) SUBJECT TO FEDERAL LAW, A MEDICAL SUPPORT NOTICE HAS PRIORITY
15 OVER ANY OTHER LIEN OR LEGAL PROCESS, EXCEPT FOR CURRENT SUPPORT AND
16 SUPPORT ARREARS WITHHELD UNDER AN EARNINGS WITHHOLDING ORDER OR
17 NOTICE.

18 (D) A MEDICAL SUPPORT NOTICE THAT IS COMPLETED APPROPRIATELY AND
19 SATISFIES THE CONDITIONS OF § 609(A) OF TITLE I OF THE EMPLOYEE RETIREMENT
20 INCOME SECURITY ACT SHALL:

21 (1) BE TREATED AS A QUALIFIED MEDICAL CHILD SUPPORT ORDER BY A
22 CARRIER;

23 (2) HAVE THE SAME FORCE AND EFFECT AS A QUALIFIED MEDICAL
24 CHILD SUPPORT ORDER; AND

25 (3) BE ENFORCEABLE IN THE SAME MANNER AS A QUALIFIED MEDICAL
26 CHILD SUPPORT ORDER.

27 (E) A MEDICAL SUPPORT NOTICE ISSUED IN ANOTHER STATE SHALL BE
28 ENFORCED IN THE SAME MANNER AS A MEDICAL SUPPORT NOTICE ISSUED IN THIS
29 STATE.

30 ~~15-4A-03.~~

31 ~~(A) (1) IF APPROPRIATE, A CHILD SUPPORT AGENCY ENFORCING A CHILD~~
32 ~~SUPPORT CASE SHALL SEND, BY REGULAR MAIL OR BY OTHER MEANS APPROVED BY~~
33 ~~THE ADMINISTRATION, A COMPLETED MEDICAL SUPPORT NOTICE TO THE~~
34 ~~EMPLOYER OF THE PARENT WHO HAS BEEN ORDERED TO PROVIDE HEALTH~~
35 ~~INSURANCE COVERAGE FOR A CHILD.~~

1 (2) ~~THE MEDICAL SUPPORT NOTICE MAY BE SENT SEPARATELY OR~~
2 ~~TOGETHER WITH AN EARNINGS WITHHOLDING ORDER OR AN EARNINGS~~
3 ~~WITHHOLDING NOTICE.~~

4 (B) ~~WITHIN 20 BUSINESS DAYS AFTER THE DATE OF THE MEDICAL SUPPORT~~
5 ~~NOTICE, AN EMPLOYER SERVED WITH A MEDICAL SUPPORT NOTICE:~~

6 (1) ~~SHALL SEND THE APPROPRIATE PART OF THE MEDICAL SUPPORT~~
7 ~~NOTICE TO THE EMPLOYER'S CARRIER; OR~~

8 (2) ~~IF THE EMPLOYER DETERMINES THAT, BASED ON REASONS~~
9 ~~RELATED TO THE EMPLOYEE'S EMPLOYMENT STATUS, THE EMPLOYEE'S CHILD IS~~
10 ~~INELIGIBLE FOR HEALTH INSURANCE COVERAGE, SHALL COMPLETE THE~~
11 ~~APPROPRIATE PART OF THE MEDICAL SUPPORT NOTICE AND RETURN IT TO THE~~
12 ~~ISSUING CHILD SUPPORT AGENCY.~~

13 (C) ~~ON RECEIPT OF THE APPROPRIATE PART OF THE MEDICAL SUPPORT~~
14 ~~NOTICE THE CARRIER IS REQUIRED TO SEND UNDER § 15-4A-04(B)(3)(II) OF THIS~~
15 ~~SUBTITLE, THE EMPLOYER:~~

16 (1) ~~IF THE EMPLOYEE'S CHILD IS ELIGIBLE FOR HEALTH INSURANCE~~
17 ~~COVERAGE, SHALL WITHHOLD FROM THE EMPLOYEE'S NEXT EARNINGS THE~~
18 ~~AMOUNT OF THE EMPLOYEE CONTRIBUTION REQUIRED TO ENROLL THE~~
19 ~~EMPLOYEE'S CHILD;~~

20 (2) ~~IF THE EMPLOYEE'S CHILD IS NOT CURRENTLY ELIGIBLE FOR~~
21 ~~HEALTH INSURANCE COVERAGE BUT WILL BECOME ELIGIBLE, SHALL WITHHOLD~~
22 ~~FROM THE EMPLOYEE'S EARNINGS, AT THE EARLIEST TIME THE EMPLOYEE'S CHILD~~
23 ~~BECOMES ELIGIBLE, THE AMOUNT OF THE EMPLOYEE CONTRIBUTION REQUIRED TO~~
24 ~~ENROLL THE EMPLOYEE'S CHILD; OR~~

25 (3) ~~IF FEDERAL OR STATE WITHHOLDING LIMITATIONS OR~~
26 ~~PRIORITIZATION PREVENT WITHHOLDING FROM THE EMPLOYEE'S WAGES THE~~
27 ~~AMOUNT REQUIRED FOR ENROLLMENT, SHALL COMPLETE AND SEND, TO THE~~
28 ~~ISSUING CHILD SUPPORT AGENCY, THE APPROPRIATE PART OF THE MEDICAL~~
29 ~~SUPPORT NOTICE INDICATING THE EMPLOYEE'S INCOME IS INSUFFICIENT FOR~~
30 ~~ENROLLMENT.~~

31 (D) (1) ~~TO THE EXTENT CONSISTENT WITH THE FEDERAL CONSUMER~~
32 ~~CREDIT PROTECTION ACT, THE EMPLOYER SHALL DEDUCT THE PREMIUMS FOR~~
33 ~~HEALTH INSURANCE COVERAGE FROM THE EARNINGS OF THE EMPLOYEE ON A~~
34 ~~REGULAR AND CONTINUING BASIS AND PAY THE PREMIUMS TO THE CARRIER.~~

35 (2) ~~THE EMPLOYER SHALL SEND TO THE CARRIER THE AMOUNT~~
36 ~~DEDUCTED FROM THE EMPLOYEE'S EARNINGS EACH PAY PERIOD WITHIN 10~~
37 ~~BUSINESS DAYS AFTER THE DAY ON WHICH THE EARNINGS ARE PAID TO THE~~
38 ~~EMPLOYEE.~~

1 15-4A-04.

2 (A) ~~WITHIN 40 BUSINESS DAYS AFTER THE DATE OF THE MEDICAL SUPPORT~~
 3 ~~NOTICE SENT TO THE CARRIER UNDER § 15-4A-03(B)(1) OF THIS SUBTITLE, THE~~
 4 ~~CARRIER SHALL COMPLY WITH THE REQUIREMENTS OF SUBSECTION (B) OF THIS~~
 5 ~~SECTION.~~

6 ~~(B) (1) THE CARRIER SHALL DETERMINE WHETHER THE MEDICAL SUPPORT~~
 7 ~~NOTICE CONTAINS THE EMPLOYEE'S NAME AND MAILING ADDRESS, THE CHILD'S~~
 8 ~~NAME, AND THE CHILD'S MAILING ADDRESS OR THE ADDRESS OF A SUBSTITUTED~~
 9 ~~OFFICIAL.~~

10 ~~(2) IF THE MEDICAL SUPPORT NOTICE DOES NOT CONTAIN THE~~
 11 ~~INFORMATION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE CARRIER~~
 12 ~~SHALL COMPLETE AND FORWARD THE APPROPRIATE PART OF THE MEDICAL~~
 13 ~~SUPPORT NOTICE TO THE ISSUING CHILD SUPPORT AGENCY ADVISING THAT THE~~
 14 ~~MEDICAL SUPPORT NOTICE DOES NOT CONSTITUTE A QUALIFIED MEDICAL CHILD~~
 15 ~~SUPPORT ORDER.~~

16 ~~(3) IF THE MEDICAL SUPPORT NOTICE CONTAINS THE INFORMATION~~
 17 ~~DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE CARRIER:~~

18 ~~(I) SHALL DETERMINE THE CHILD'S ELIGIBILITY FOR~~
 19 ~~ENROLLMENT;~~

20 ~~(II) SHALL COMPLETE AND SEND THE APPROPRIATE PART OF THE~~
 21 ~~MEDICAL SUPPORT NOTICE TO THE EMPLOYER AND THE ADMINISTRATION;~~

22 ~~(III) SUBJECT TO SUBSECTION (C) OF THIS SECTION, SHALL ENROLL~~
 23 ~~THE CHILD IF THE CHILD IS ELIGIBLE FOR ENROLLMENT; AND~~

24 ~~(IV) IF THE CHILD IS ELIGIBLE FOR ENROLLMENT, SHALL SEND TO~~
 25 ~~THE EMPLOYEE, THE CHILD, AND THE CHILD'S CUSTODIAN A WRITTEN NOTICE THAT~~
 26 ~~CONTAINS:~~

27 ~~1. AN EXPLANATION THAT THE HEALTH INSURANCE~~
 28 ~~COVERAGE IS OR WILL BECOME AVAILABLE TO THE CHILD;~~

29 ~~2. A WRITTEN DESCRIPTION OF THE HEALTH INSURANCE~~
 30 ~~COVERAGE;~~

31 ~~3. THE EMPLOYEE'S COST FOR THE HEALTH INSURANCE~~
 32 ~~COVERAGE;~~

33 ~~4. THE EFFECTIVE DATE OF THE HEALTH INSURANCE~~
 34 ~~COVERAGE;~~

35 ~~5. A SUMMARY PLAN DESCRIPTION;~~

1 ~~return receipt requested,] separate from or in conjunction with an earnings~~
 2 ~~withholding order, as provided in § 10-123 of this article.~~

3 (2) ~~On receipt of the order OR MEDICAL SUPPORT NOTICE, the employer~~
 4 ~~shall:~~

5 (i) ~~permit the parent, a child support enforcement agency, or the~~
 6 ~~Department of Health and Mental Hygiene to enroll the child in any health insurance~~
 7 ~~coverage available to the parent without regard to any enrollment season restrictions;~~

8 (ii) ~~provide a statement to the support enforcement agency and to~~
 9 ~~both parents that the child:~~

10 1. ~~has been enrolled in health insurance coverage;~~

11 2. ~~will be enrolled in health insurance coverage and that the~~
 12 ~~expected date of enrollment will be provided; or~~

13 3. ~~cannot be enrolled in health insurance coverage; and~~

14 (iii) ~~provide information to both parents and to the support~~
 15 ~~enforcement agency concerning the available health insurance coverage, including:~~

16 1. ~~the employee's Social Security number;~~

17 2. ~~the name, address, and telephone number of the insurer;~~

18 3. ~~the policy number;~~

19 4. ~~the group number;~~

20 5. ~~the effective date of coverage; and~~

21 6. ~~any schedule of benefits.~~

22 (i) ~~An employer may not use the existence of an order OR MEDICAL SUPPORT~~
 23 ~~NOTICE requiring health insurance coverage as a basis for:~~

24 (1) ~~reprisal against an employee;~~

25 (2) ~~dismissal of an employee from employment; or~~

26 (3) ~~refusal to hire a person or to promote an employee.~~

27 12-102.2.

28 An administrative order OR A MEDICAL SUPPORT NOTICE for health insurance
 29 coverage issued in any other state or territory will be enforced to the same extent in
 30 a proceeding under this subtitle as an order OR A MEDICAL SUPPORT NOTICE for
 31 health insurance coverage issued [by a court] in this State.

1 ~~42-102.2, 12-102.3.~~

2 (A) (1) THIS SECTION APPLIES TO ADMINISTRATIVE CONTESTS OF
3 WITHHOLDINGS FROM AN EMPLOYEE'S EARNINGS MADE BY AN EMPLOYER FOR THE
4 PURPOSE OF COMPLYING WITH TITLE 15, SUBTITLE 4A OF THE INSURANCE ARTICLE
5 THIS TITLE.

6 (2) NOTHING IN THIS SECTION MAY BE CONSTRUED TO LIMIT AN
7 EMPLOYEE'S RIGHT TO JUDICIALLY CONTEST AN UNDERLYING COURT ORDER
8 REQUIRING THE EMPLOYEE TO PROVIDE HEALTH INSURANCE COVERAGE FOR THE
9 EMPLOYEE'S CHILD.

10 (B) (1) AN EMPLOYEE MAY ONLY CONTEST A WITHHOLDING UNDER THIS
11 SECTION BASED ON A MISTAKE OF FACT.

12 (2) THE ONLY ISSUES THAT MAY BE CONTESTED ARE:

13 (I) THE IDENTITY OF THE EMPLOYEE;

14 (II) WHETHER THERE IS AN UNDERLYING COURT ORDER
15 REQUIRING THE EMPLOYEE TO PROVIDE HEALTH INSURANCE COVERAGE FOR THE
16 EMPLOYEE'S CHILD;

17 (III) THAT THE AMOUNT OF THE WITHHOLDING EXCEEDS THE
18 LIMITS OF THE FEDERAL CONSUMER CREDIT PROTECTION ACT; AND

19 (IV) THAT THE CHILD FOR WHOM HEALTH INSURANCE COVERAGE
20 IS SOUGHT IS EMANCIPATED.

21 (C) AN EMPLOYEE MAY CONTEST A WITHHOLDING BY SENDING A WRITTEN
22 REQUEST FOR AN INVESTIGATION TO THE ADMINISTRATION WITHIN 15 DAYS AFTER
23 RECEIVING NOTICE OF THE WITHHOLDING FROM THE EMPLOYER.

24 (D) IF AN EMPLOYEE REQUESTS AN INVESTIGATION, THE ADMINISTRATION:

25 (1) SHALL CONDUCT AN INVESTIGATION WITHIN 15 DAYS AFTER THE
26 REQUEST; AND

27 (2) ON COMPLETION OF THE INVESTIGATION, SHALL NOTIFY THE
28 EMPLOYEE OF THE RESULTS OF THE INVESTIGATION AND THE EMPLOYEE'S RIGHT
29 TO APPEAL THE DECISION OF THE ADMINISTRATION TO THE OFFICE OF
30 ADMINISTRATIVE HEARINGS.

31 (E) (1) (I) AN EMPLOYEE MAY APPEAL THE ADMINISTRATION'S DECISION
32 TO THE OFFICE OF ADMINISTRATIVE HEARINGS BY FILING A WRITTEN REQUEST FOR
33 A HEARING WITH THE ADMINISTRATION OR THE OFFICE OF ADMINISTRATIVE
34 HEARINGS.

35 (II) THE REQUEST FOR A HEARING SHALL BE MADE:

36 1. ON A FORM PROVIDED BY THE ADMINISTRATION; AND

