

AMENDMENTS TO LB 1218

1 1. Strike the original sections and insert the following
2 new sections:

3 "Section 1. Section 44-3,144, Reissue Revised Statutes
4 of Nebraska, is amended to read:

5 44-3,144. For purposes of sections 44-3,144 to 44-3,150:

6 (1) Authorized attorney has the same meaning as in
7 section 43-512;

8 (2) Child means an individual to whom or on whose behalf
9 a legal duty of support is owed by an obligor;

10 (3) Department ~~shall mean~~ means the Department of Health
11 and Human Services;

12 ~~(2)~~ (4) Employer means an individual, a firm, a
13 partnership, a corporation, an association, a union, a political
14 subdivision, a state agency, or any agent thereof who pays income
15 to an obligor on a periodic basis and has or provides health care
16 coverage to the obligor-employee;

17 (5) Health care coverage means a health benefit plan or
18 combination of plans, other than public medical assistance
19 programs, that provide medical care or benefits;

20 (6) Insurer shall mean means an entity insurer as defined
21 in section 44-103 offering a group health plan as defined in 29
22 U.S.C. 1167, as such section existed on January 1, 2002; , a health
23 maintenance organization, an entity offering a service benefit
24 plan, and an insurer as defined in section 44-103, and

1 (7) Medical support means the provision of health care
2 coverage, contribution to the cost of health care coverage,
3 contribution to expenses associated with the birth of a child,
4 other uninsured medical expenses of a child, or any combination
5 thereof;

6 ~~(3)~~ (8) Medical assistance program shall mean means the
7 program established pursuant to sections 68-1018 to 68-1025;

8 (9) National medical support notice means a uniform
9 administrative notice issued by the county attorney, authorized
10 attorney, or department to enforce the medical support provisions
11 of a support order;

12 (10) Obligee has the same meaning as in section 43-3341;

13 (11) Obligor has the same meaning as in section 43-3341;

14 (12) Plan administrator means the person or entity that
15 administers health care coverage for an employer;

16 (13) Qualified medical child support order means an order
17 that meets the requirements of 29 U.S.C. 1169, as such section
18 existed on January 1, 2002; and

19 (14) Uninsured medical expenses means the reasonable and
20 necessary health-related expenses that are not paid by health care
21 coverage.

22 Sec. 2. Section 44-3,145, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 44-3,145. An insurer shall not deny enrollment of a
25 child under the health care coverage of the ~~child's parent~~ obligor
26 on the ground that:

27 (1) The child was born out of wedlock;

1 (2) The child is not claimed as a dependent on the
2 ~~parent's~~ obligor's federal income tax return; or

3 (3) The child does not reside with the ~~parent~~ obligor or
4 in the insurer's service area.

5 Sec. 3. Section 44-3,146, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 44-3,146. (1) An insurer shall, in any case in which a
8 ~~parent~~ an obligor is required by a court or administrative order to
9 provide health care coverage for a child and the ~~parent~~ obligor is
10 eligible for family health care coverage through the insurer:

11 (a) Permit ~~such parent~~ an obligor to enroll under such
12 ~~family health care~~ coverage any such child who is otherwise
13 eligible for such coverage without regard to any enrollment season
14 restriction;

15 (b) If ~~such a parent~~ an obligor is covered but fails to
16 make application to obtain coverage for such child, enroll such
17 child under such ~~family health care~~ coverage upon application by

18 (i) the ~~child's other parent~~ obligee without regard to any
19 enrollment season restriction, (ii) in any case in which services
20 are provided under Title IV-D of the federal Social Security Act,
21 as ~~amended~~ such act existed on January 1, 2002, the county attorney
22 or authorized attorney without regard to any enrollment season
23 restriction, or (iii) in any case in which services are not
24 provided under Title IV-D of the federal Social Security Act, as
25 ~~amended~~ such act existed on January 1, 2002, the department without
26 regard to any enrollment season restriction; and

27 (c) Not cancel or eliminate health care coverage for any

1 such child unless the insurer is provided satisfactory written
2 evidence that (i) such court or administrative order is no longer
3 in effect or (ii) the child is or will be enrolled in comparable
4 health care coverage through another insurer which will take effect
5 not later than the effective date of such cancellation or
6 elimination.

7 (2) An employer doing business in this state shall, in
8 any case in which a ~~parent~~ an obligor is required by a court or
9 administrative order to provide health care coverage for a child
10 and the ~~parent~~ obligor is eligible for family health care coverage
11 through the employer:

12 (a) Permit ~~such parent~~ an obligor to enroll under such
13 family health care coverage any such child who is otherwise
14 eligible for such coverage without regard to any enrollment season
15 restriction;

16 (b) If ~~such a parent~~ an obligor is covered but fails to
17 make application to obtain coverage for such child, enroll such
18 child under such ~~family~~ health care coverage upon application by
19 (i) the ~~child's other parent~~ obligee without regard to any
20 enrollment season restriction, (ii) in any case in which services
21 are provided under Title IV-D of the federal Social Security Act,
22 as ~~amended~~ such act existed on January 1, 2002, the county attorney
23 or authorized attorney without regard to any enrollment season
24 restriction, or (iii) in any case in which services are not
25 provided under Title IV-D of the federal Social Security Act, as
26 ~~amended~~ such act existed on January 1, 2002, the department without
27 regard to any enrollment season restriction; and

1 (c) Not cancel or eliminate health care coverage for any
2 such child unless (i) the employer is provided satisfactory written
3 evidence that (A) such court or administrative order is no longer
4 in effect or (B) the child is or will be enrolled in comparable
5 health care coverage which will take effect not later than the
6 effective date of such cancellation or elimination or (ii) the
7 employer has eliminated family health care coverage for all of its
8 employees.

9 Upon enrollment pursuant to this subsection, premiums
10 shall be deducted from the ~~parent's~~ obligor's compensation and
11 remitted directly to the insurer. The amount withheld shall not
12 exceed the maximum amount permitted to be withheld under section
13 303(b) of the federal Consumer Credit Protection Act, as such act
14 existed on January 1, 2002. Amounts withheld pursuant to the
15 Income Withholding for Child Support Act shall have priority over
16 amounts withheld pursuant to this subsection. An employer
17 receiving a national medical support notice shall transmit the
18 notice to the plan administrator within twenty business days after
19 receipt of the notice from the county attorney, authorized
20 attorney, or department.

21 (3) If an obligor is ordered to provide health care
22 coverage for a child in any case in which services are provided
23 under Title IV-D of the federal Social Security Act, as such act
24 existed on January 1, 2002, the county attorney, authorized
25 attorney, or department shall send a national medical support
26 notice to any employer of the obligor within two business days
27 after receipt of information regarding employment under the New

1 Hire Reporting Act. A notice to enroll national medical support
2 notice sent by the county attorney, authorized attorney, or
3 department to an ~~insurer~~ ~~or~~ employer pursuant to this section shall
4 have the same effect as an enrollment application signed by the
5 ~~parent~~ obligor. ~~Prior to sending a notice to enroll, the~~ The
6 county attorney, authorized attorney, or department shall send a
7 copy of the national medical support notice to the ~~parent of intent~~
8 ~~to enforce the court or administrative order~~ obligor by mail at his
9 or her last-known address stating:

10 (a) The court or administrative order upon which the
11 enforcement action is being taken;

12 (b) That if the county attorney, authorized attorney, or
13 department sends a national medical support notice to enroll a
14 ~~child~~ to an employer, the county attorney, authorized attorney, or
15 department will also direct the employer to withhold from the
16 employee's compensation the employee's share of the premium for
17 health care coverage; and

18 (c) That within fifteen days after receiving the notice
19 the ~~parent~~ obligor may request a hearing to contest the enforcement
20 action based upon evidence that (i) there is an error in the
21 identity of the obligor, (ii) he or she has enrolled the child in
22 an insurance plan providing coverage required by the order, (iii)
23 the parties have stipulated to, and the court or administrative
24 order specifically provides for, an alternative to employer-based
25 health care coverage, or (iv) ~~or~~ evidence that the premium cost to
26 the ~~parent~~ obligor exceeds the amount stated in subsection (2) of
27 this section or is otherwise unreasonable.

1 If a hearing is requested, the department shall hold the
2 hearing within fifteen days after the request, and the department
3 shall notify the ~~parent~~ obligor of its decision within fifteen days
4 after the date the hearing is held. ~~Notice to enroll~~ A national
5 medical support notice sent by the county attorney, authorized
6 attorney, or department to the ~~parent's insurer or~~ obligor's
7 employer shall not be held in abeyance pending the outcome of the
8 hearing.

9 (4) The remedy provided in this section shall be in
10 addition to and not in substitution for any other remedy and shall
11 apply without regard to when the order was issued.

12 (5) An insurer or employer shall, upon request by the
13 county attorney, authorized attorney, or department, provide the
14 county attorney, authorized attorney, or department with the
15 following information regarding a ~~parent~~ an obligor required by a
16 court or administrative order to provide health care coverage for a
17 child: (a) The social security number; (b) the address; (c) whether
18 the ~~parent~~ obligor has health care coverage and, if so, the policy
19 name and number and the names of the persons covered; and (d) the
20 cost to the ~~parent~~ obligor of enrolling.

21 (6) Upon receipt of a copy of a court or administrative
22 order requiring a ~~parent~~ an obligor to provide health care coverage
23 for a child, an insurer or employer shall provide the ~~child's other~~
24 ~~parent~~ obligee upon written request the information necessary to
25 file an application pursuant to this section.

26 (7) A completed national medical support notice issued by
27 the county attorney, authorized attorney, or department that

1 complies with this section is a qualified medical child support
2 order for the purposes of the federal Employee Retirement Income
3 Security Act of 1974 (ERISA), 29 U.S.C. 1169(a), as such section
4 existed on January 1, 2002.

5 (8) Upon the termination of employment of an obligor
6 subject to this section, the employer shall promptly notify the
7 county attorney, authorized attorney, or department of the
8 termination of employment in the same manner as required for income
9 withholding cases in accordance with subdivision (6) of section
10 43-1723 of the Income Withholding for Child Support Act.

11 (9) When there is no longer a current child support order
12 in effect for an obligor subject to this section, the county
13 attorney, authorized attorney, or department shall promptly notify
14 the employer that the order is no longer in effect.

15 Sec. 4. Section 44-3,149, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 44-3,149. An insurer shall, in any case in which a child
18 has health care coverage through the insurer of a ~~noncustodial~~
19 ~~parent~~ the obligor:

20 (1) Provide such information to the ~~custodial parent~~
21 obligor as may be necessary for the child to obtain benefits
22 through such coverage;

23 (2) Permit the ~~custodial parent~~ obligor or the provider,
24 with the ~~custodial parent's~~ obligor's approval, to submit claims
25 for covered services without the approval of the ~~noncustodial~~
26 ~~parent~~ obligor; and

27 (3) Make payment on claims submitted in accordance with

AM2844
LB 1218
DCC-02-21

AM2844
LB 1218
DCC-02-21

1 subdivision (2) of this subsection directly to such ~~custodial~~
2 ~~parent~~ obligor, the provider, or the department pursuant to section
3 68-1026.

4 Sec. 5. This act becomes operative on July 1, 2002.

5 Sec. 6. Original sections 44-3,144, 44-3,145, 44-3,146,
6 and 44-3,149, Reissue Revised Statutes of Nebraska, are repealed.

7 Sec. 7. Since an emergency exists, this act takes effect
8 when passed and approved according to law.".