

What you need to know about. . .

Medical Child Support Orders

While it doesn't happen frequently, many employers are perplexed when they receive a letter, notice or order from a state court or agency instructing them to enroll an employee's child on their health plan. These are generically called "medical child support orders," but you may commonly see them referred to as QMCSOs (for "qualified medical child support orders").

What is a QMCSO?

A QMCSO is an order from a judge or child support enforcement agency that requires non-custodial parents to assume responsibility for their child's health coverage. Regardless of who the issuing court or agency is, a medical child support order is only a QMCSO if it contains the following information:

- The name and last known mailing address of the participant (employee);
- Either the name and last known mailing address of each "alternate recipient" (child) or the name and mailing address of a State or local official;
- A reasonable description of the type of health coverage to be provided (but it can't require you to offer benefits not otherwise provided by your plan unless they're mandated by state law); and
- The time-frame to which the order applies.

If you receive something called a "National Medical Support Notice," you should automatically consider it a QMCSO and do some research on specific time-frames and other requirements that may apply. If there are minor problems with an order, such as a misspelled name or incorrect birthdate, it's best to go ahead and treat it as a QMCSO.

Why does it matter?

Upon receipt of an MCSO, the employer is required to:

- Determine "within a reasonable period of time" whether the order is a QMCSO;
- Notify the employee and the custodial parent that you have received the order and give them a copy of your procedures for determining whether it is qualified;
- Notify the employee and custodial parent of your determination regarding whether the order is a QMCSO; and
- If compliance with the order will reduce the employee's take-home pay too much, notify the custodial parent and the agency that issued the order (if an agency is involved).

Employers are only required to enroll the child in their health plan if the order satisfies the requirements of QMCSO. In addition, a QMCSO generally requires carriers to allow the child to enroll in the plan even if it's outside their normal enrollment timeframes.

Final Thoughts

As you can tell, there's more to complying with these orders than meets the eye! Even if you've never seen an MCSO, you are required to have written procedures for assessing and responding to them. In our experience, few employers have such procedures. A sample policy and related templates are available to our clients upon request.

For additional information, check out the DOL's QMCSO Guide, which we have posted to our website at www.millercare.com.



The Miller Group's compliance director Julie Athey, is a licensed attorney with many years of experience in interpreting state and federal employment laws such as ERISA, COBRA, the ACA, FMLA and ADA. She frequently writes and speaks on legal and regulatory topics and has earned a reputation for being able to simplify complex concepts. If you have questions, feel free to contact Julie at juliea@millercare.com.