



HOUSE BILL No. 4161

February 4, 1993, Introduced by Reps. Pitoniak, Yokich, Rivers, Kilpatrick, Baade, Anthony, DeMars, Leland, Stallworth, Gire and Gubow and referred to the Committee on Public Health.

A bill to amend Act No. 368 of the Public Acts of 1978,
entitled as amended
"Public health code,"
as amended, being sections 333.1101 to 333.25211 of the Michigan
Compiled Laws, by adding sections 21054u and 21054v.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 368 of the Public Acts of 1978, as
2 amended, being sections 333.1101 to 333.25211 of the Michigan
3 Compiled Laws, is amended by adding sections 21054u and 21054v to
4 read as follows:

5 SEC. 21054U. A HEALTH MAINTENANCE ORGANIZATION GROUP OR
6 INDIVIDUAL CONTRACT THAT COVERS AN INDIVIDUAL WHO IS A MICHIGAN
7 RESIDENT AND PROVIDES DEPENDENT COVERAGE SHALL ALLOW AN
8 ENROLLEE'S DEPENDENT CHILD TO BE COVERED UNDER THE CONTRACT
9 REGARDLESS OF WHETHER THE DEPENDENT CHILD RESIDES OR DOES NOT

1 RESIDE WITH THE ENROLLEE AND REGARDLESS OF WHETHER THE CHILD CAN
2 BE CLAIMED AS AN EXEMPTION BY THE ENROLLEE UNDER SECTION 151 OF
3 THE INTERNAL REVENUE CODE OF 1986, 26 U.S.C. 151. FOR THE PUR-
4 POSES OF THIS SECTION, THE AMOUNT OF SUPPORT PROVIDED BY THE
5 ENROLLEE TO THE DEPENDENT CHILD AND WHETHER THE CHILD CAN BE
6 CLAIMED AS AN EXEMPTION BY THE ENROLLEE UNDER SECTION 151 OF THE
7 INTERNAL REVENUE CODE OF 1986, 26 U.S.C. 151, SHALL NOT BE USED
8 AS EXCLUDING OR LIMITING FACTORS FOR COVERAGE OR PAYMENT FOR ANY
9 HEALTH CARE BENEFITS.

10 SEC. 21054V. (1) IF THE FRIEND OF THE COURT NOTIFIES THE
11 PARENT'S HEALTH MAINTENANCE ORGANIZATION TO DEAL DIRECTLY WITH
12 THE OTHER PARENT PURSUANT TO SECTION 26 OF THE SUPPORT AND VISI-
13 TATION ENFORCEMENT ACT, ACT NO. 295 OF THE PUBLIC ACTS OF 1982,
14 BEING SECTION 552.626 OF THE MICHIGAN COMPILED LAWS, OR IF THE
15 ENROLLEE NOTIFIES HIS OR HER HEALTH MAINTENANCE ORGANIZATION TO
16 DEAL DIRECTLY WITH THE OTHER PARENT, ALL OF THE FOLLOWING APPLY:

17 (A) THE SIGNATURE OF EITHER PARENT IS VALID AND SUFFICIENT
18 AUTHORIZATION TO THE HEALTH MAINTENANCE ORGANIZATION FOR THE PRO-
19 CESSING OF CLAIMS FOR A CHILD.

20 (B) THE HEALTH MAINTENANCE ORGANIZATION SHALL RECOGNIZE THE
21 RIGHT OF BOTH PARENTS TO RECEIVE ALL NOTICES FROM THE HEALTH
22 MAINTENANCE ORGANIZATION REGARDING THE CHILD AND SHALL RECOGNIZE
23 THE RIGHT OF BOTH PARENTS TO COMMUNICATE AND INTERACT WITH THE
24 HEALTH MAINTENANCE ORGANIZATION CONCERNING THE CHILD'S BENEFITS.

25 (C) THE HEALTH MAINTENANCE ORGANIZATION SHALL PAY A MEDICAL
26 SUBROGATION CLAIM TO THE PARTY WHO SUBMITTED THE CLAIM, UNLESS
27 THE CLAIM INCLUDES A WRITTEN REQUEST THAT PAYMENT IS TO BE MADE

1 OTHERWISE AND IN SUCH EVENT PAYMENT SHALL BE MADE IN THE MANNER
2 REQUESTED. THIS SUBDIVISION SHALL NOT BE CONSTRUED TO LIMIT OR
3 INTERFERE WITH MEDICAL SUBROGATION PLANS OR CLAIMS.

4 (2) IF THE FRIEND OF THE COURT NOTIFIES THE PARENT'S HEALTH
5 MAINTENANCE ORGANIZATION TO ENROLL THE CHILD IN HEALTH CARE COV-
6 ERAGE PURSUANT TO SECTION 26 OF ACT NO. 295 OF THE PUBLIC ACTS OF
7 1982, THE HEALTH MAINTENANCE ORGANIZATION, SUBJECT TO THE PAYMENT
8 OF ANY NECESSARY PREMIUM, SHALL PROMPTLY ENROLL THE CHILD AND
9 SHALL NOT WAIT UNTIL THE NEXT SPECIFIED ENROLLMENT PERIOD. NOT
10 LATER THAN 15 DAYS AFTER RECEIPT OF THE FRIEND OF THE COURT
11 NOTICE TO ENROLL THE CHILD, THE HEALTH MAINTENANCE ORGANIZATION
12 SHALL NOTIFY BOTH OF THE CHILD'S PARENTS AND THE FRIEND OF THE
13 COURT AS TO WHETHER ANY NECESSARY PREMIUM HAS BEEN RECEIVED, THE
14 STATUS OF THE CHILD'S ENROLLMENT IN THE HEALTH CARE COVERAGE, AND
15 THE ADDRESSES AND TELEPHONE NUMBERS WHERE FURTHER INFORMATION CAN
16 BE OBTAINED AND INFORMATION CAN BE SUBMITTED.

17 (3) IF REQUESTED PURSUANT TO SECTION 18 OF THE FRIEND OF THE
18 COURT ACT, ACT NO. 294 OF THE PUBLIC ACTS OF 1982, BEING SECTION
19 552.518 OF THE MICHIGAN COMPILED LAWS, A HEALTH MAINTENANCE ORGA-
20 NIZATION SHALL PROVIDE INFORMATION ABOUT THE HEALTH CARE
21 COVERAGE'S VARIOUS BENEFITS AND OPTIONS, ALONG WITH THEIR COSTS,
22 AVAILABLE FOR THE CHILD TO THE FRIEND OF THE COURT.

23 (4) IF A SUPPORT ORDER REQUIRING A PARENT TO OBTAIN AND
24 MAINTAIN HEALTH CARE COVERAGE FOR A CHILD UNDER SECTION 4A OF ACT
25 NO. 295 OF THE PUBLIC ACTS OF 1982, BEING SECTION 552.504A OF THE
26 MICHIGAN COMPILED LAWS, IS IN EFFECT, THE HEALTH MAINTENANCE
27 ORGANIZATION SHALL NOTIFY IN WRITING BOTH PARENTS IF THE CHILD'S

1 BENEFITS ARE SUBJECT TO ADVERSE ACTION, INCLUDING, BUT NOT
2 LIMITED TO, TERMINATION OR REDUCTION IN COVERAGE OR BENEFITS OR
3 AN INCREASE IN DEDUCTIBLES OR COPAYMENTS. THE NOTICE SHALL BE
4 SENT NOT LATER THAN 30 DAYS BEFORE THE ADVERSE ACTION AND SHALL
5 INCLUDE THE REASONS FOR THE ADVERSE ACTION AND ANY AVAILABLE
6 OPTIONS FOR CONVERSION OR EXTENSION OF BENEFITS.

7 Section 2. This amendatory act shall not take effect unless
8 all of the following bills of the 87th Legislature are enacted
9 into law:

10 (a) Senate Bill No. ____ or House Bill No. ____ (request
11 no. 01922'93).

12 (b) Senate Bill No. ____ or House Bill No. ____ (request
13 no. 01923'93).