

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3309

By Delegates Fluharty, Walker, Young, Hornbuckle,

Skaff and Pushkin

[Introduced February 07, 2023; Referred to the
Committee on Health and Human Resources then the
Judiciary]

1 A BILL to amend and reenact §48-12-101 of the Code of West Virginia, 1931, as amended, by
 2 including expenses associated with the pregnancy and birth of the child as payable
 3 medical expenses for a non-custodial parent as part of child support award.

Be it enacted by the Legislature of West Virginia:

ARTICLE 12. MEDICAL SUPPORT.

§48-12-101. Definitions applicable to medical support enforcement.

1 For the purposes of this article:

2 (1) "Appropriate health insurance coverage" means insurance coverage that is reasonable
 3 in cost, comprehensive in nature and reasonably accessible to the child to be covered.

4 (2) "Cash medical support" means an amount ordered to be paid toward the cost of health
 5 insurance provided by a public entity or by another person through employment or otherwise, or
 6 for other medical costs not covered by insurance.

7 (3) "Custodian for the children" means a parent, legal guardian, committee or other third
 8 party appointed by court order as custodian of a child or children for whom child support is
 9 ordered.

10 (4) "Obligated parent" means a natural or adoptive parent who is required by agreement or
 11 order to pay for insurance coverage and medical care, or some portion thereof, for his or her child.

12 (5) "Insurance coverage" means coverage for medical, dental, including orthodontic,
 13 optical, prescription pharmaceuticals, psychological, psychiatric or other health care services.

14 (6) "Child" means a child to whom a duty of child support is owed.

15 (7) "Medical care" means medical, dental, optical, prescription pharmaceuticals,
 16 psychological, psychiatric or other health care service for children in need of child support
 17 including medical expenses associated with the pregnancy and birth of the child.

18 (8) "Insurer" means any company, health maintenance organization, self-funded group,
 19 multiple employer welfare arrangement, hospital or medical services corporation, trust, group
 20 health plan, as defined in 29 U.S.C. §1167, Section 607(1) of the Employee Retirement Income

21 Security Act of 1974 or other entity which provides insurance coverage or offers a service benefit
22 plan.

23 (9) "National medical support notice" means the written notice described in 29 U.S.C.
24 §1169 (a)(5)(C) and 42 U.S.C. §666(a)(19) and issued as a means of enforcing the health care
25 coverage provisions in a child support order for children whose parent or parents are required to
26 provide health-care coverage through an employment-related group health plan. This notice is
27 consider under ERISA to be a qualified medical child support order (QMSO).

28 (10) "Qualified medical child support order" means a medical child support order which
29 creates or recognizes the existence of an alternate recipient's right to, or assigns to an alternate
30 recipient the right to, receive benefits from which a participant or beneficiary is eligible under a
31 group health plan. A qualified medical child support order must include the name and the last
32 known mailing address, if any, of the participant and the name and mailing address of each
33 alternate recipient covered by the order, except that, to the extent provided in the order, the name
34 and mailing address of an official of the IV-D agency may be substituted for the mailing address of
35 any alternate recipient, a reasonable description of the type of coverage provided to each alternate
36 recipient or the manner in which the type of coverage is determined and the time period for which
37 the order applies.

38 (11) "Reasonably accessible health insurance coverage" means that the coverage will
39 provide payment for the primary health care services within a reasonable distance from the child's
40 primary residence.

41 (12) "Reasonable costs" means the child's portion of the medical insurance premiums not
42 exceeding five percent of the gross income of the parent who provides the coverage.

NOTE: The purpose of this bill is to establish the Child Support from Conception Act.

Strike-throughs indicate language that would be stricken from a heading or the present law
and underscoring indicates new language that would be added.