

ACT No. 166

2018 Regular Session

HOUSE BILL NO. 490

BY REPRESENTATIVE GREGORY MILLER

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AN ACT

To amend and reenact R.S. 46:236.1.1(9), (10), (11), (12), (13), and (14) and 236.1.2(L) and to enact R.S. 46:236.1.1(15) and (16), relative to support; to provide definitions; to provide relative to health insurance; to provide for medical support; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:236.1.1(9), (10), (11), (12), (13), (14) and 236.1.2(L) are hereby amended and reenacted and R.S. 46:236.1.1(15) and (16) are hereby enacted to read as follows:

§236.1.1. Family and child support programs; definitions

For the purposes of this Subpart, the following items shall mean:

* * *

(9) "Health insurance" means insurance covering medical expenses resulting from sickness or injury.

(10) "Healthcare coverage" means fee for service, health maintenance organization, preferred provider organization, and other types of private health insurance and public health care coverage under which medical services could be provided to the dependent child.

~~(9)~~(11) "Medical support" means health insurance, cash medical support, and the payment of the medical expenses of the child.

~~(10)~~(12)(a) "Noncustodial parent" means an absent parent as defined in Subparagraph (b) of this Paragraph.

1 (b) "Absent parent" means any person who does not reside with his
 2 dependent child and who is responsible for providing financial support for that child
 3 and against whom the child support enforcement section of the department is
 4 enforcing or seeking to enforce or modify a support obligation pursuant to a plan
 5 described in Title IV-D of the Social Security Act and made applicable to the state
 6 under this Subpart. An "absent parent" may include but is not limited to the natural
 7 parent, adoptive parent, and the putative or alleged father. This definition shall apply
 8 retroactively to all cases that the child support enforcement section of the department
 9 is enforcing or seeking to enforce or modify.

10 ~~(11)~~(13) "Private health insurance" means coverage by a health plan
 11 provided through an employer or union or purchased by an individual from a private
 12 health insurance company.

13 ~~(12)~~(14) "Public health insurance" means health insurance provided by a
 14 public entity.

15 ~~(13)~~(15) "Reasonable cost", as it pertains to private health insurance, means
 16 that the health insurance premiums for the minor child or children do not exceed five
 17 percent of the gross income of the parent ordered to provide support pursuant to R.S.
 18 9:315.4. The five percent standard shall apply to the cost of adding the child to an
 19 existing policy, the difference in the cost between a single and a family policy, or the
 20 cost of acquiring a separate policy to cover the child. There is a rebuttable
 21 presumption that public health insurance is always available at a reasonable cost.

22 ~~(14)~~(16) "Support services" and "support enforcement services" means any
 23 action taken by the Department of Children and Family Services, upon receipt of an
 24 application or referral for services or a request made under the Uniform Interstate
 25 Family Support Act, in accordance with the federal requirements of Title IV-D of the
 26 Social Security Act and corresponding state laws and regulations without regard to
 27 whether there is any existing court order, delinquency, or presumption of paternity.

28 §236.1.2. Family and child support programs; responsibilities

29 * * *

1 L.(1)(a) The department, when providing support enforcement services, shall
 2 pursue an order to require one or both parties to provide medical support for the child
 3 pursuant to R.S. 9:315.4. If private health insurance is not available to either parent
 4 at a reasonable cost at the time the support order is rendered or modified, the court
 5 shall order the party responsible for providing medical support to provide private
 6 health insurance as soon as it becomes available at a reasonable cost and is accessible
 7 to the minor child.

8 (b) The court may order the noncustodial parent to pay cash medical support
 9 when either:

10 (i) The child has no healthcare coverage.

11 (ii) The child is covered by private health insurance but there is a need for
 12 additional funds to cover the child's healthcare costs.

13 (c) Notwithstanding any provision to the contrary, the court shall order the
 14 noncustodial parent to pay cash medical support when the child is covered by public
 15 health insurance.

16 (2) ~~The~~ When the court may order orders the noncustodial parent to provide
 17 cash medical support, it shall be owed until such time as private health insurance is
 18 provided by the ~~noncustodial parent~~ party responsible for providing medical support.

19 (3) Cash medical support shall be set at an amount not to exceed ~~five~~ three
 20 percent of the noncustodial parent's gross income. An award for cash medical
 21 support shall be separate from the child support order and shall not be included in the
 22 child support calculations.

23 ~~(3)~~(4) Cash medical support payments shall be collected by the department
 24 and distributed in accordance with the Code of Federal Regulations and the
 25 Louisiana Administrative Code.

26 (5) If a court orders a parent to pay cash medical support, it shall be in lieu
 27 of, and not in addition to, requiring the parent to also pay reimbursement for
 28 extraordinary medical expenses as set forth in R.S. 9:315.5.

29 Section 2. This Act shall become effective upon signature by the governor or, if not
 30 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____