

## Session 110 - (1993-1994)

### **H 5095 General Bill, By Young-Brickell, J.G. Felder, J.S. Shissias and J.M. White**

#### ***Similar (S 1358)***

A Bill to amend Subarticle 6, Article 9, Chapter 7, Title 20, Code of Laws of South Carolina, 1976, relating to income withholding for child support by adding Sections 20-7-1200, 20-7-1210, 20-7-1220, 20-7-1230, 20-7-1240, 20-7-1250, 20-7-1260, 20-7-1270, and 20-7-1280, so as to provide procedures for medical child support and income withholding, including provisions required in a court order if a parent is required to provide health coverage; employers' and health insurers' obligations upon receipt of an order requiring a parent to provide health coverage, including the withholding of wages for the cost of health insurance premiums; authority for the state medicaid agency to seek income withholding for reimbursement for expenditures on behalf of a child; the priority of medical income withholding over other legal processes; prohibiting an employer from taking action against an employee because of an income withholding order for health coverage and penalties; by adding Section 38-71-143 so as to provide circumstances under which health insurance coverage must be provided for an adopted child or a child placed for adoption; by adding Section 38-71-245 so as to provide circumstances under which a health insurer is prohibited from denying a child enrollment in a health plan; by adding Section 38-71-250 so as to require a health insurer to enroll a child and provide coverage if the child's parent is ordered to provide coverage and is eligible for family coverage; by adding Section 38-71-255 so as to prohibit a health insurer from treating the state medicaid agency differently from other individuals if the agency has been assigned the rights of a person covered under the insured's plan; by adding Section 38-71-260 so as to require a health insurer to provide certain information and rights to a noncustodial parent who provides coverage of their child through that insurer; by adding Section 38-71-265 so as to prohibit an insurer from considering a person's eligibility for medicaid when enrolling a person or making payments under its plan and to assign the rights to the State for third party reimbursement when the State has made payments under medicaid on behalf of a person; and by adding Section 43-7-460 so as to direct the Health and Human Services Finance Commission to seek recovery from the estate of a person for whom medical assistance was paid for under medicaid and to provide certain conditions and procedures for seeking the recovery; to amend Section 43-7-410, relating to definitions pertaining to reimbursement for medicaid services, so as to revise the definition of "private insurer"; to amend Section 43-7-440, relating to the enforcement and assignment of rights of medicaid recipients, so as to prohibit an issuer from taking into account that an applicant is eligible for medicaid and to provide that the State acquires the rights of an individual for medical payments when the person received medical assistance paid for under medicaid; to amend Section 62-3-805, relating to classification of creditors' claims from a decedent's estate, so as to include medical assistance paid for under medicaid; to designate Sections 20-7-1315 through 20-7-1329 as Part II, Subarticle 6, Article 9, Chapter 7, Title 20 entitled "Income Withholding to Enforce Support Obligations"; and to rename Subarticle 6, Article 9, Chapter 7, Title 20 "Income Withholding".

**04/14/94 House Introduced and read first time HJ-13**

**04/14/94 House Referred to Committee on Judiciary HJ-15**