**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 9 TO CHAPTER 6, TITLE 44 SO AS TO REQUIRE MEDICAID RECIPIENTS GIVING BIRTH TO A CHILD UNDER MEDICAID TO PAY THE HOSPITAL AND ATTENDING PHYSICIAN AMOUNTS EQUAL TO THE AVERAGE OUT‑OF‑POCKET HOSPITAL AND ATTENDING PHYSICIAN EXPENSES PAID BY PARENTS UNDER THE STATE HEALTH PLAN FOR THE BIRTH OF A CHILD, TO REQUIRE THE DIVISION OF INSURANCE SERVICES TO PUBLISH THE AVERAGE OF THESE OUT‑OF‑POCKET EXPENSES ANNUALLY AND TO PROVIDE FOR GARNISHMENT OF THE PARENTS’ WAGES IF THESE EXPENSES ARE UNPAID BY THE PARENTS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 6, Title 44 of the 1976 Code is amended by adding:

“Article 9

Coverage of Childbirth expenses under Medicaid

Section 44‑6‑1110. (A) Notwithstanding any other provision of law, the biological parents of a child whose birth is covered by Medicaid shall pay the Department of Social Services an amount equal to the average amount of out‑of‑pocket expenses paid by parents for the birth of a child that is covered under the State Health Insurance Plan.

(B) The Division of Insurance in the State Budget and Control Board annually shall provide the department the average amount of out‑of‑pocket expenses paid by plan beneficiaries for the birth of a child. In calculating the average of these costs, the division shall exclude costs associated with high risk pregnancies and premature births. The department shall provide this payment amount to both biological parents by certified mail, return receipt requested, and the parents shall submit a payment schedule that must be approved by the department. If the parents do not have a payment schedule approved within sixty days of receiving the payment amount or if a payment is sixty days in arrears, the department shall seek garnishment of the wages of the biological parents pursuant to the procedures for income withholding for the enforcement of child support payments, in accordance with Article 11, Chapter 17, Title 63, mutatis mutandis.”

SECTION 2. This act takes effect July 1, 2011.

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