

Secretary of State
Certificate and Order for Filing
TEMPORARY ADMINISTRATIVE RULES
A Statement of Need and Justification accompanies this form..

9-28

I certify that the attached copies* are true, full and correct copies of the TEMPORARY Rule(s) adopted on [9/19/07] by the
Date prior to or same as filing date

Department of Justice – Division of Child Support

137

Agency and Division

Administrative Rules Chapter Number

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Rules Coordinator

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to become effective [10/1/07]

Date upon filing or later

] through [1-2-08]

A maximum of 180 days including the effective date.

RULE CAPTION

Issuance of a national medical support notice to enforce for private health care coverage

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

List each rule number separately, 000-000-0000.

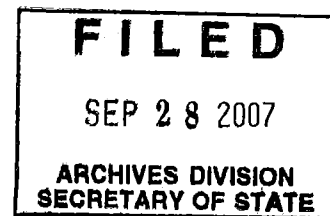
Secure approval of new rule numbers (Adopted rules) with the Administrative Rules Unit prior to filing

ADOPT:

AMEND:

OAR 137-055-4620

SUSPEND:



Stat. Auth.: ORS 25.321, 25.325, 180.345

Other Auth.:

Stats. Implemented: ORS 25.325

RULE SUMMARY

OAR 137-055-4620 is being amended to delete the requirement that the administrator make a determination that private health care coverage is appropriate before issuing the national medical support notice.

Lin Wofe

9/27/07

Authorized Signer

Printed name

Date

*With this original and Statement of Need, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules.

ARC 940-2005

DOJ 8-2001 (Temp)

STATEMENT OF NEED AND JUSTIFICATION

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Department of Justice – Division of Child Support

137

Agency and Division

Administrative Rules Chapter Number

In the Matter of: OAR 137-055-4620

Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

Issuance of a national medical support notice to enforce for private health care coverage.

Statutory Authority: ORS 25.321, 25.325, 180.345

Other Authority:

Stats. Implemented: ORS 25.325

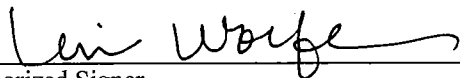
Need for the Temporary Rule(s):

Failure to act promptly will result in serious prejudice to the public interest or the interest of the parties concerned by not enforcing private health care coverage immediately.

Documents Relied Upon, and where they are available:

Justification of Temporary Rule(s):

The Division of Child Support will not be able to operate efficiently in enforcing private health care coverage through employers if the rule is not amended.



Authorized Signer

Lin Wolfe

Printed name

9/27/07

Date

137-055-4620**Enforcing Health Care Coverage and Cash Medical Support**

- (1) If services are being provided pursuant to ORS 25.080 and private health care coverage is ordered the administrator will issue a medical support notice to enforce orders for health care coverage within two business days of receiving information that an employer has hired or rehired a providing party, as defined in OAR 137-050-0320, or at any time when the administrator determines it is necessary; and
 - (a) An obligor or obligee is ordered to provide appropriate health care coverage for a child as defined in ORS 25.321, OAR 137-050-0320 and OAR 137-050-0410;
 - (b) The providing party has failed to provide appropriate health care coverage, either personally or through a spouse's or domestic partner's coverage;
 - (c) The employer offers or may offer a health benefit plan to its employees.
- (2) Notwithstanding the provisions of section (1), if the party ordered to provide appropriate health care coverage is an active duty or retired member of the military, the administrator will not issue a medical support notice to the military.
- (3) If the conditions in section (2) apply:
 - (a) The administrator will inform the obligee, if the obligee is not the providing party as defined in OAR 137-050-0320, of the process to initiate military health care coverage enrollment for the dependent child; and
 - (b) If the medical child support rights for the dependent child are currently assigned to the state, the administrator will require either party to make all reasonable efforts to enroll the child in military health care coverage.
- (4) When a medical support notice has been served and the providing party is not enrolled in a health benefit plan or is not enrolled in a plan that offers dependent coverage that is "appropriate" pursuant to OAR 137-050-0410, and if more than one plan with "appropriate" dependent coverage is offered, the administrator will select a plan in accordance with OAR 137-055-4640.
- (5) A party can contest the medical support notice as set out in ORS 25.333.
- (6) When the administrator is notified by the employer that the amount to be withheld for premiums is greater than is permissible under ORS 25.331 the administrator will review the circumstances and, if appropriate, modify the order to provide for cash medical support pursuant to OAR 137-050-0430.
- (7) When an employer notifies the administrator that the amount to be withheld for the health care coverage premium is greater than permissible under ORS 25.331:
 - (a) An obligee who is a recipient of TANF cash assistance may not elect to receive health care coverage over monetary child support. In these cases, the administrator will select monetary child support over health care coverage unless health care coverage would be in the best interests of the child.
 - (b)(A) Except as provided in section (7)(b)(B), an obligee, who is not a recipient of TANF cash assistance and who selects health care coverage over monetary child support, may change the selection:
 - (i) No more than once per year;
 - (ii) In conjunction with a medical support notice being issued to a new employer; or
 - (iii) When a child becomes seriously ill and health care coverage is needed.
 - (B) An obligee who is not a recipient of TANF cash assistance may not select health care

coverage over monetary child support if such a selection conflicts with the requirements of any bankruptcy plan.

(8) A request to select health care coverage over monetary child support may be made verbally or in writing.

(9) When multiple cases for an obligor are being enforced and the employer receives notice that one or more cases have selected health care coverage over monetary child support, the employer must withhold in the following manner:

(a) First withhold the full amount listed on withholdings issued on the cases that have not selected health care coverage over monetary child support;

(b) Withhold the premium for health care coverage, up to the maximum allowed by law;

(c) If the maximum is not reached, withhold support for the case(s) requesting health care coverage, up to the full amount of the withholding order or the maximum allowed by law, whichever is less;

(d) Identify which payment goes with which case and submit the monetary support payments to the Division of Child Support as directed in the withholding orders.

(10) A providing party may select a different health benefit plan during any applicable open enrollment period, providing the health benefit plan provides appropriate health care coverage, or other coverage if the order so requires.

(11) If the providing party changes to a health benefit plan that does not meet the criteria in section (10) of this rule, the administrator will issue a medical support notice as provided in section (1) of this rule and may pursue modification of the support order for an amount towards cash medical support pursuant to OAR 137-050-0430.

Stat. Auth.: ORS 25.321, ORS 25.325, ORS 180.345

Stats. Implemented: ORS 25.325