

**137-055-3340**

**Establishment or Modification of Health Care Coverage**

(1) For the purposes of establishing or enforcing medical support, the following definitions apply:

(a) “Accessible” means:

(A) A health benefit plan does not have service area limitations or the health benefit plan provides an option not subject to service area limitations; or

(B) A health benefit plan has service area limitations and the child lives within 30 miles or 30 minutes of a primary care provider under the plan.

(b) “Reasonable in cost” means:

(A) Health care coverage is available to the obligor through employment related or other group health insurance;

(B) The obligor’s share, if any, of premiums for the coverage does not make the application of the formula established under ORS 25.275 unjust or inappropriate. Inclusion of premiums make the application of the formula unjust and inappropriate if:

(i) The amount that would be withheld by an employer in compliance with a withholding order issued for the monetary support and a medical support notice would exceed 50% of the obligor’s net disposable income (as defined in ORS 25.010); or

(ii) Other compelling factors in the case support such a finding.

(c) “Satisfactory health care coverage” means coverage provided under a health benefit plan, other than Medicaid or the Oregon Health Plan, that at a minimum includes emergency care, inpatient and outpatient hospital care, physician services, whether provided within or outside a hospital setting, and laboratory and X-ray services.

(2) In any action to establish or modify an Oregon child support order when support enforcement services are being provided under ORS 25.080, the administrator shall seek an order requiring the obligor to provide satisfactory health care coverage unless the administrator find that:

(a) The obligee has elected to provide and is providing health care coverage for the child; or

(b) The obligor cannot provide satisfactory health care coverage that is reasonable in cost and accessible to the child.

(3) If the administrator finds that the obligor cannot provide satisfactory health care coverage that is reasonable in cost and accessible to the child, the administrator shall include in the order a provision requiring the obligor to provide health care coverage when such coverage becomes

available.

(4) To ensure that the information necessary to calculate an appropriate order is made available the administrator shall, at a minimum, take the following actions:

(a) Attempt to contact the obligor or obligee, or any current employer of the obligor or obligee to verify earnings. Attempt to verify the availability and cost of health care coverage for the child(ren) included in the order; and

(b) Submit with the petition, contested case notice, or motion served on the parties, a document designed to obtain information regarding the income, availability of health care coverage for the child(ren) included in the order, and other factors which may affect the amount of child support ordered. The document shall include:

(A) A notice to any obligee who has not assigned child support or medical support to the state that the obligor will be ordered to provide satisfactory health care coverage for the child unless the obligee elects to provide satisfactory health care coverage and provides proof of such coverage. The notice shall further state that the amount of monetary support may be decreased by a pro rata share if the obligor provides health care coverage, or increased by a pro rata share if the obligee provides health care coverage;

(B) A notice stating that when child support or medical support is assigned, unless the child(ren) already have health care coverage other than Medicaid, the administrator will seek an order requiring the obligor to provide satisfactory health care coverage, and that the support order entered may be reduced by the amount of the obligee's pro rata share of the cost of enrolling the child(ren) in a health benefit plan.

Stat. Auth.: section 3, chapter 637 Oregon Laws 2003, and section 2, chapter 73, Oregon Laws 2003

Stats. Implemented: section 3, chapter 637, Oregon Laws 2003