
HOUSE BILL 1935

State of Washington

59th Legislature

2005 Regular Session

By Representatives Wallace, Williams, Pettigrew and Hunt

Read first time 02/10/2005. Referred to Committee on Juvenile Justice & Family Law.

1 AN ACT Relating to enforcing orders to provide health insurance
2 coverage for dependent children; and amending RCW 26.18.170.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 26.18.170 and 2000 c 86 s 2 are each amended to read
5 as follows:

6 (1) Whenever an obligor parent who has been ordered to provide
7 health insurance coverage for a dependent child fails to provide such
8 coverage or lets it lapse, the department or the obligee may seek
9 enforcement of the coverage order as provided under this section.

10 (2)(a) If the obligor parent's order to provide health insurance
11 coverage contains language notifying the obligor that failure to
12 provide such coverage or proof that such coverage is unavailable may
13 result in direct enforcement of the order and orders payments through,
14 or has been submitted to, the Washington state support registry for
15 enforcement, then the department may, without further notice to the
16 obligor, send a notice of enrollment to the obligor's employer or
17 union. The notice shall be served:

18 (i) By regular mail;

1 (ii) In the manner prescribed for the service of a summons in a
2 civil action;

3 (iii) By certified mail, return receipt requested; or

4 (iv) By electronic means if there is an agreement between the
5 secretary of the department and the person, firm, corporation,
6 association, political subdivision, department of the state, or agency,
7 subdivision, or instrumentality of the United States to accept service
8 by electronic means.

9 (b) The notice shall require the employer or union to enroll the
10 child in the health insurance plan as provided in subsection (3) of
11 this section.

12 (c) The returned answer to the division of child support by the
13 employer constitutes proof of service of the notice of enrollment in
14 the case where the notice was served by regular mail.

15 (d) The division of child support may use uniform interstate forms
16 adopted by the United States department of health and human services to
17 take insurance enrollment actions under this section.

18 (e) If the obligor parent's order to provide health insurance
19 coverage does not order payments through, and has not been submitted
20 to, the Washington state support registry for enforcement:

21 (i) The obligee may, without further notice to the obligor send a
22 certified copy of the order requiring health insurance coverage to the
23 obligor's employer or union by certified mail, return receipt
24 requested; and

25 (ii) The obligee shall attach a notarized statement to the order
26 declaring that the order is the latest order addressing coverage
27 entered by the court and require the employer or union to enroll the
28 child in the health insurance plan as provided in subsection (3) of
29 this section.

30 (3) Upon receipt of an order that provides for health insurance
31 coverage, or a notice of enrollment:

32 (a) The obligor's employer or union shall answer the party who sent
33 the order or notice within twenty days and confirm that the child:

34 (i) Has been enrolled in the health insurance plan;

35 (ii) Will be enrolled; or

36 (iii) Cannot be covered, stating the reasons why such coverage
37 cannot be provided;

1 (b) The employer or union shall withhold any required premium from
2 the obligor's income or wages;

3 (c) If more than one plan is offered by the employer or union, and
4 each plan may be extended to cover the child, then the child shall be
5 enrolled in the obligor's plan. If the obligor's plan does not provide
6 coverage which is accessible to the child, the child shall be enrolled
7 in the least expensive plan otherwise available to the obligor parent;

8 (d) The employer or union shall provide information about the name
9 of the health insurance coverage provider or issuer and the extent of
10 coverage available to the obligee or the department and shall make
11 available any necessary claim forms or enrollment membership cards.

12 (4) If the order for coverage contains no language notifying the
13 obligor that failure to provide health insurance coverage or proof that
14 such coverage is unavailable may result in direct enforcement of the
15 order, the department or the obligee may serve a written notice of
16 intent to enforce the order on the obligor by certified mail, return
17 receipt requested, or by personal service. If the obligor fails to
18 provide written proof that such coverage has been obtained or applied
19 for or fails to provide proof that such coverage is unavailable within
20 twenty days of service of the notice, the department or the obligee may
21 proceed to enforce the order directly as provided in subsection (2) of
22 this section.

23 (5) If the obligor ordered to provide health insurance coverage
24 elects to provide coverage that will not be accessible to the child
25 because of geographic or other limitations when accessible coverage is
26 otherwise available, the department or the obligee may serve a written
27 notice of intent to purchase health insurance coverage on the obligor
28 by certified mail, return receipt requested. The notice shall also
29 specify the type and cost of coverage.

30 (6) If the department serves a notice under subsection (5) of this
31 section the obligor shall, within twenty days of the date of service:

32 (a) File an application for an adjudicative proceeding; or

33 (b) Provide written proof to the department that the obligor has
34 either applied for, or obtained, coverage accessible to the child.

35 (7) If the obligee serves a notice under subsection (5) of this
36 section, within twenty days of the date of service the obligor shall
37 provide written proof to the obligee that the obligor has either
38 applied for, or obtained, coverage accessible to the child.

1 (8) If the obligor fails to respond to a notice served under
2 subsection (5) of this section to the party who served the notice, the
3 party who served the notice may purchase the health insurance coverage
4 specified in the notice directly. The amount of the monthly premium
5 shall be added to the support debt and be collectible without further
6 notice. The amount of the monthly premium may be collected or accrued
7 until the obligor provides proof of the required coverage.

8 (9) The signature of the obligee or of a department employee shall
9 be a valid authorization to the coverage provider or issuer for
10 purposes of processing a payment to the child's health services
11 provider. An order for health insurance coverage shall operate as an
12 assignment of all benefit rights to the obligee or to the child's
13 health services provider, and in any claim against the coverage
14 provider or issuer, the obligee or the obligee's assignee shall be
15 subrogated to the rights of the obligor. Notwithstanding the
16 provisions of this section regarding assignment of benefits, this
17 section shall not require a health care service contractor authorized
18 under chapter 48.44 RCW or a health maintenance organization authorized
19 under chapter 48.46 RCW to deviate from their contractual provisions
20 and restrictions regarding reimbursement for covered services. If the
21 coverage is terminated, the employer shall mail a notice of termination
22 to the department or the obligee at the obligee's last known address
23 within thirty days of the termination date.

24 (10) This section shall not be construed to limit the right of the
25 obligor or the obligee to bring an action in superior court at any time
26 to enforce, modify, or clarify the original support order.

27 (11) Where a child does not reside in the issuer's service area, an
28 issuer shall cover no less than urgent and emergent care. Where the
29 issuer offers broader coverage, whether by policy or reciprocal
30 agreement, the issuer shall provide such coverage to any child
31 otherwise covered that does not reside in the issuer's service area.

32 (12) If an obligor fails to pay his or her portion of any
33 deductible required under the health insurance coverage or fails to pay
34 his or her portion of medical expenses incurred in excess of the
35 coverage provided under the plan, the (~~department or the~~) obligee may
36 enforce collection of the obligor's portion of the deductible or the
37 additional medical expenses through a wage assignment order. If the
38 obligee requests that the department enforce collection of the

1 deductible or the additional medical expenses, the department must
2 collect the amount owed through a wage assignment order. The amount of
3 the deductible or additional medical expenses shall be added to the
4 support debt and be collectible without further notice if the obligor's
5 share of the amount of the deductible or additional expenses is reduced
6 to a sum certain in a court order.

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