

CHAPTER.....

AN ACT relating to obligations of support for children; revising the procedure for enrolling a child in a plan of health insurance pursuant to a court order for support to comply with federal law; requiring premiums for such health insurance to be deducted from the wages of the parent; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 31A.350 is hereby amended to read as follows:

31A.350 1. If a court orders a parent to obtain health insurance for his child and the parent fails to ~~[comply with the order.]~~ *enroll the child and provide written proof to the enforcing authority*, the enforcing authority shall mail to the parent's employer or labor organization by first-class mail, a notice requiring the employer or organization to enroll the child in the plan of health insurance provided for his employees or its members. ~~[The notice must include:~~

- ~~—(a) The parent's name and social security number;~~
- ~~—(b) A statement that the parent has been required by an order of the court to obtain and maintain health insurance for his child;~~
- ~~—(c) The name, date of birth and social security number for the child; and~~
- ~~—(d) A statement that any assistance needed to complete the enrollment of the child in a plan of health insurance may be obtained from the parents of the child and the enforcing authority.~~

~~2. Except as otherwise provided in subsection 6, no enforcing authority may mail or cause to be mailed a notice to enroll pursuant to subsection 1 unless:~~

- ~~—(a) The enforcing authority first notifies the parent by certified mail at his last known address of:~~
 - ~~—(1) Its intent to seek enrollment of the child; and~~
 - ~~—(2) The provisions of subsection 6; and~~
- ~~—(b) The parent fails, within 15 days after the notice is mailed, to provide written proof to the enforcing authority that:~~
 - ~~—(1) The parent has enrolled the child in a plan of health insurance required by the order of the court; or~~
 - ~~—(2) The coverage required by the order of the court was not available at a reasonable cost for more than 30 days before the date on which the notice was mailed.~~

~~—3.]~~ *The Welfare Division shall, by regulation, prescribe the content of the notice and establish procedures for providing the notice to ensure compliance with federal law.*

2. Except as otherwise provided in this subsection, upon receipt of a notice to enroll, mailed pursuant to subsection 1, the employer or labor organization shall enroll the child named in the notice in the plan of health insurance provided for his employees or its members. The child must be enrolled without regard to any restrictions upon periods for enrollment. If more than one plan is offered by the employer or labor organization, and each plan may be extended to cover the child, the child must be enrolled in the parent's plan. If the parent's plan cannot be extended to cover the child, the child must be enrolled in ~~[the plan with the least expensive option for providing]~~ *a plan that provides* coverage for a dependent that is otherwise available to the parent, subject to the eligibility requirements of that plan. An employer, labor organization, health maintenance organization or other insurer is not required to enroll the child in a plan of health insurance if the child is not otherwise eligible to be enrolled in that plan. If the child is not eligible to be enrolled in the parent's plan of health insurance, the employer or labor organization shall notify the enforcing authority.

3. *The employer or labor organization shall transfer the notice to enroll to the administrator that provides coverage pursuant to the plan of health insurance for which the child is eligible within 20 business days after the date of the notice to enroll. The administrator shall fully complete and return the response form to the enforcing authority within 40 business days after the date of the notice.*

4. After the child is enrolled in a plan of health insurance, the premiums required to be paid by the parent for the child's coverage ~~[may]~~ *must* be deducted from the parent's wages. If the parent's wages are not sufficient to pay for those premiums, the employer or labor organization shall notify the enforcing authority. *A parent may contest the withholding pursuant to NRS 31A.050.*

5. A notice to enroll sent pursuant to subsection 1 has the same effect as an enrollment application signed by the parent. No employer or labor organization may refuse to enroll a child because a parent has not signed an enrollment application.

6. ~~If the enforcing authority:~~
~~—(a) Has complied with the requirements of subsection 2 regarding a parent; and~~
~~—(b) Subsequently determines that the parent:~~
~~—(1) Has another employer or belongs to another labor organization; and~~
~~—(2) Does not have the child enrolled in a plan of health insurance as required by the order of the court;~~

~~the enforcing authority shall, without again complying with the requirements of subsection 2, mail pursuant to subsection 1 a subsequent notice to enroll to the other employer or labor organization. Any employer or labor organization receiving such a notice shall notify the parent immediately of the receipt of that notice and comply with the provisions of this section unless, within 20 days after the notice was mailed to the employer or labor organization, the enforcing authority notifies the employer or labor organization that the parent has provided the enforcing authority with written proof that the parent has enrolled the child in a plan of health insurance required by the order of the court.~~

~~—7.]~~ An employer or labor organization shall, without liability to the parent, provide to the enforcing authority, upon request, information about the name of the insurer and the number of the parent's policy of health insurance.

~~[8.]~~ 7. The enforcing authority may withhold wages or other income and require withholding of state tax refunds whenever the responsible parent has received payment from the third party and not used the payment to reimburse the other parent or provider to the extent necessary to reimburse the Medicaid agency.

~~[9.]~~ 8. *The enforcing authority shall promptly notify the employer or labor organization when there is no longer a current order for medical support in effect for which the enforcing authority is responsible.*

9. The employer shall notify the enforcing authority when the parent subject to the notice to enroll terminates his employment, and provide the last known address of the parent and the name of any new employer of the parent, if known.

10. If an employer or labor organization wrongfully refuses to enroll a child in a plan of health insurance as required in this section, or knowingly misrepresents that health insurance is not available, the employer or labor organization may be held liable for punitive damages and all unreimbursed medical expenses incurred during the period in which insurance was not in effect.

11. An employer, labor organization or enforcing authority who complies with a notice to enroll that is regular on its face may not be held liable in any civil action for any conduct taken in compliance with the notice.

12. The remedy provided by this section is in addition to, and is not a substitute for, any other remedy available for the enforcement of such an order.

Sec. 2. This act becomes effective on July 1, 2003.