

**CHILD SUPPORT - HEALTH INSURANCE FOR CHILDREN
WITH DISABILITIES**

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rebecca P. Edwards

Senate Sponsor: _____

LONG TITLE

General Description:

This bill allows for the addition of adult dependents with a disability to a parent's insurance.

Highlighted Provisions:

This bill:

- ▶ allows for the addition of an adult dependent with a disability to a health insurance policy;
- ▶ adds adult dependents with disabilities to statute assigning medical insurance coverage for children of divorce; and
- ▶ allows a parent or court-ordered guardian to request the addition of the dependent with a disability to a policy of a parent.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

31A-22-611, as last amended by Laws of Utah 2011, Chapters 297 and 366

78B-12-111, as renumbered and amended by Laws of Utah 2008, Chapter 3



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Be it enacted by the Legislature of the state of Utah:

Section 1. Section **31A-22-611** is amended to read:

31A-22-611. Coverage for children with a disability.

(1) For the purposes of this section:

(a) "Dependent with a disability" means a child who is and continues to be both:

(i) unable to engage in substantial gainful employment to the degree that the child can achieve economic independence due to a medically determinable physical or mental impairment which can be expected to result in death, or which has lasted or can be expected to last for a continuous period of not less than 12 months; and

(ii) chiefly dependent upon an insured for support and maintenance since the child reached the age specified in Subsection 31A-22-610.5(2).

(b) "Mental impairment" means a mental or psychological disorder such as:

- (i) an intellectual disability;
- (ii) organic brain syndrome;
- (iii) emotional or mental illness; or
- (iv) specific learning disabilities as determined by the insurer.

(c) "Physical impairment" means a physiological disorder, condition, or disfigurement, or anatomical loss affecting one or more of the following body systems:

- (i) neurological;
- (ii) musculoskeletal;
- (iii) special sense organs;
- (iv) respiratory organs;
- (v) speech organs;
- (vi) cardiovascular;
- (vii) reproductive;
- (viii) digestive;
- (ix) genito-urinary;
- (x) hemic and lymphatic;
- (xi) skin; or
- (xii) endocrine.

59 (2) The insurer may require proof of the incapacity and dependency be furnished by the
60 person insured under the policy within 30 days of the effective date or the date the child attains
61 the age specified in Subsection 31A-22-610.5(2), and at any time thereafter, except that the
62 insurer may not require proof more often than annually after the two-year period immediately
63 following attainment of the limiting age by the dependent with a disability.

64 (3) Any individual or group accident and health insurance policy or health maintenance
65 organization contract that provides coverage for a policyholder's or certificate holder's
66 dependent shall, upon application by either parent or a court-appointed guardian, provide
67 coverage for all unmarried dependents with a disability who have been continuously covered,
68 with no break of more than 63 days, under any accident and health insurance since the age
69 specified in Subsection 31A-22-610.5(2).

70 (4) Every accident and health insurance policy or contract that provides coverage of a
71 dependent with a disability may not terminate the policy due to an age limitation.

72 (5) A parent or court-appointed guardian who is not the insured may request that an
73 insurance company add an unmarried dependent with a disability to an accident or health
74 insurance policy held by a parent.

75 (a) The insurance company shall provide the non-insured parent or court-appointed
76 guardian with a copy of the policy and all notices provided to the insured regarding the policy
77 if the notice concerns or affects the unmarried dependent with a disability.

78 (b) All documentation, approvals, and notifications required by the insurance company
79 regarding the unmarried dependent with a disability shall be the responsibility of the parent or
80 court-appointed guardian with custody of the dependent.

81 Section 2. Section **78B-12-111** is amended to read:

82 **78B-12-111. Court order -- Medical expenses of dependent children -- Assigning**
83 **responsibility for payment -- Insurance coverage -- Income withholding.**

84 The court shall include the following in its order:

85 (1) a provision assigning responsibility for the payment of reasonable and necessary
86 medical expenses for the dependent children;

87 (2) a provision requiring the purchase and maintenance of appropriate insurance [~~for~~
88 ~~the medical expenses of dependent children;~~] if coverage is or becomes available at a
89 reasonable cost[~~;~~ and];

- 90 (a) for the medical expenses of dependent children; and
91 (b) for the medical expenses of unmarried dependents with a disability in accordance
92 with Section 31A-22-611; and
93 (3) provisions for income withholding, in accordance with Title 62A, Chapter 11, Parts
94 4, Income Withholding in IV-D Cases, and 5, Income Withholding in Non IV-D Cases.
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Legislative Review Note
as of 1-25-12 1:33 PM

Office of Legislative Research and General Counsel