

Michelle's Law

Michelle's Law, passed in 2008, prohibits group health plans from terminating the coverage of a dependent child who has lost student status as a result of a medically necessary leave of absence before the date that is the earlier of:

- 1 year after the first day of the medically necessary leave of absence; or
- The date when such coverage would otherwise terminate under the terms of the plan or health insurance coverage

Special note on Dependent Coverage under the Affordable Care Act

Under the federal Patient Protection and Affordable Care Act, for plan years beginning on or after September 23, 2010, group and individual health plans that provide dependent coverage must continue to make the coverage available up to age 26, regardless of a child's status as a dependent. Until 2014, grandfathered group health plans do not need to provide this coverage if the adult child is eligible for other employer-provided health coverage.

Definition of a Dependent Child

Under Michelle's Law, to receive extended coverage, the individual must be:

- A dependent child under the terms of the plan of a participant or beneficiary under the plan or coverage; and
- Enrolled in the plan on the basis of being a student at a postsecondary educational institution immediately before the first day of the medically necessary leave of absence involved.

Certification by Physician

The extended coverage applies only if the plan receives written certification by a treating physician of the dependent child which states that the child is suffering from a serious illness or injury and that the leave of absence (or other change of enrollment) is medically necessary.

Group Health Plan Notice

The group health plan (and health insurance issuer providing health insurance coverage in connection with a group health plan) should include, with any notice regarding a requirement for certification of student status for coverage under the plan or coverage, a description of the terms for continued coverage during medically necessary leaves of absence. This description should be written in language which is understandable to the typical plan participant.

No Change in Benefits

A dependent child whose benefits are continued under Michelle's Law is entitled to the same benefits as if (during the medically necessary leave of absence) the child continued to be a covered student at the institution of higher education and was not on a medically necessary leave of absence.