



Horizon Blue Cross Blue Shield of New Jersey

*Making Healthcare Work<sup>®</sup>*



# *Legislative Bulletin*

*Pursuant to P.L. 110-381, this federal law amends the Employee Retirement Income Security Act of 1974, the Public Health Service Act and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health coverage. This law is effective October 9, 2009.*

## **MICHELLE'S LAW**

This law provides that an individual or group health plan may not terminate a dependent child's health coverage simply because the child takes a medically necessary leave of absence from school or changes to part-time status. The leave of absence must be medically necessary and commence while the child is suffering from a serious illness or injury.

To take advantage of the extension, the child must have been enrolled in the health plan on the basis of being a student at a post-secondary educational institution immediately before the first day of the leave. Coverage must extend for one year after the first day of the leave or, if earlier, until the date coverage would otherwise terminate under the plan. The student on leave is entitled to the same benefits as if he/she had not taken a leave. If coverage changes during the student's leave, and the changed coverage still continues to provide coverage for the student, then the student's coverage must still be continued until it can be otherwise ended according to the plan's rules.

The individual or group health plan must receive written certification from the child's treating physician stating that the child is suffering from a serious illness or injury, and that the leave (or change of student enrollment) is medically necessary. In addition, when sending any notice describing the plan's student certification requirements for coverage, the plan also must include a description of the terms for continued coverage under this law.

*Note: This bulletin is only a summary and is not intended as legal advice. For further information about the mandate and how it applies to you, please contact your legal counsel.*

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