



# ArgusAlert!

**Michelle's Law extends group health plan eligibility to certain dependent children who are over the age of 18 and have to leave college due to a medically necessary leave of absence.**

**Michelle's Law applies to both fully insured and Self Funded groups.**

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## Michelle's Law Becomes Effective for Plan Years Beginning on or after October 9, 2009

### Background

On October 9, 2008 President Bush signed H. R. 2851 entitled "Michelle's Law" patterned after legislation that passed in New Hampshire in 2006 in honor of Michelle Morse. Michelle was a college student who stayed in school full time while fighting cancer to avoid losing dependent student status under her parent's insurance and facing the prospect of having to pay COBRA continuation premiums.

### Applicability

The law applies to both fully insured and self funded employer sponsored group health plans that include full-time student requirements within their definition of a dependent. It also applies to plans in the individual market.

### Effective date

The law applies to plan years beginning on or after October 9, 2009. In other words, this law will apply on your first renewal after October 9, 2009.

### What does the law require of health plans and its members and their dependents?

The law requires a health plan to continue coverage for a dependent child who is unable to attend school due to a medically necessary leave of absence from a post secondary education institution that begins while

the dependent is suffering from a severe illness or injury that would result in the child to losing full time student status. Coverage under these circumstances must continue until:

- The date the Physician certification period of the medically necessary leave of absence ends; or
- The date on which such coverage would otherwise terminate under the terms of the plan; or
- One year after the first day of the medically necessary leave of absence.

**Note:** The child whose coverage is continued under the plan due to the medically necessary leave of absence is entitled to the same benefits under the plan that they would have as a full time covered student.

### Medically necessary leave of absence written certification

The plan or issuer must receive a written certification by a treating physician of the dependent child which states that the child is suffering from a serious illness or injury and the leave of absence or other change in enrollment is necessary. Your carrier or administrator can supply the appropriate form upon request.

**Should you have additional questions, please contact a member of your Argus Account Management team at (404) 846-8883.**



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