



**STATE OF NEW YORK
INSURANCE DEPARTMENT**
ONE COMMERCE PLAZA
ALBANY, NEW YORK 12257

George E. Pataki
Governor

Howard Mills
Acting Superintendent

Circular Letter No. 4 (2005)
March 2, 2005

TO: All Insurers Licensed to Write Accident and Health Insurance in New York State (“Commercial Insurers”), Article 43 Corporations and Health Maintenance Organizations.

RE: National Medical Support Notice

STATUTORY REFERENCE: Sections 452, 42 U.S.C.A § 651(f), and 466, 42 U.S.C.A. § 666(a)(19), of the Social Security Act and Section 609 of the Employee Retirement Income Security Act, 29 U.S.C.A. § 1169(a)(5)(C), as modified by the Child Support Performance and Incentive Act of 1998, Pub. Law No. 105-200, and New York Civil Practice Law and Rules Section 5241.

This letter is to advise all insurers licensed to write Accident and Health Insurance, Article 43 corporations and health maintenance organizations (collectively “insurers”) that, in accordance with various federal and state laws, an insurer is required to enroll a dependent child pursuant to a National Medical Support Notice issued by the New York State Division of Child Support Enforcement on behalf of the appropriate local social services district (“Issuing Agency”) in compliance with a court order issued by a court of competent jurisdiction.

These notices require that a non-custodial parent provide health insurance for a dependent child. In some cases the non-custodial parents may not have elected coverage for themselves and may need to be enrolled in order to provide the coverage required pursuant to the National Medical Support Notice.

Any party that fails to comply with the court order becomes responsible for any health care costs incurred as a result of the non-compliance. Some non-custodial parents have declined to sign the enrollment form required by the insurer. It is this Department’s position that the insurer must comply with the court order and enroll the child, and, if necessary, the parent, regardless of whether or not the enrollment form has been signed.

Once the child is enrolled, ID cards and any other coverage documents should be forwarded to the custodial parent. If the name and address of the custodial parent is not on the form, (this will happen in cases involving domestic violence), the ID cards and other coverage documents should be sent to the issuing agency indicated on the National Medical Support Notice form. A letter requesting that the custodial parent contact the insurer regarding a HIPAA authorization form may be included with the coverage documents.

Please confirm that your company has procedures in place, including notice to all policyholders and/or their designated administrators, to process these enrollments in compliance with the notice. In addition, provide the name, address, telephone number and e-mail address of the

individual in your organization that can assist the NYS Division of Child Support Enforcement if a problem occurs. The confirmation and contact name should be sent to Laura Dillon via e-mail to [Laura Dillon](#).

Any questions regarding this circular letter should be sent to:

Laura Dillon, Associate Examiner
Consumer Services Bureau
New York Insurance Department
One Commerce Plaza
Albany NY 12257
(518) 486-9105

Very truly yours,

Salvatore Castiglione,
Assistant Deputy Superintendent and Chief Examiner
Consumer Services/Licensing Bureau