



Kim Reynolds, Governor

Adam Gregg, Lt. Governor

Jerry R. Foxhoven, Director

May 1, 2019

Administration for Children and Families
Office of Planning, Research and Evaluation
330 C Street SW,
Washington, DC 20201

Attn: OPRE Reports Clearance Officer

RE: Comments in response to Proposed Information Collection Activity: National Medical Support Notice – Part A, OMB Number: 0970-0222, Federal Register Vol. 84 Number 53, Tuesday, March 19, 2019, page 10096.

Dear OPRE Reports Clearance Officer:

This letter is in response to your request for comments in the notice of proposed information collection that also includes changes to the National Medical Support Notice.

Please find enclosed comments from the Iowa Department of Human Services, Bureau of Collections.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carol Eaton'.

Carol Eaton, Chief
Bureau of Collections

Enclosure

Notice to Withhold For Health Care Coverage (page 1 of Part A)

1. Page 1 of Part A (“Notice to Withhold for Health Care Coverage” section) – New boxes and labels were added for ☐ National Medical Support Order/Notice (NMSN) and ☐ Termination Order/Notice. Currently there is no federal “termination notice.” States have developed and used their own forms to notify employers when they are no longer enforcing medical support. This is to comply with 45 CFR 303.33(c)(7) which says, “The State agency must promptly notify the employer when there is no longer a current order for medical support in effect for which the IV-D agency is responsible.”

It's unclear if states will now be required to use the NMSN and mark the termination order/notice box to notify employers when medical support enforcement stops through the IV-D agency. If states will now be required to use the NMSN to notify the employer when the IV-D agency is no longer enforcing a health insurance provision of an order, *we are strongly opposed*. There are many situations that occur when the ordered parent wants to continue to provide coverage regardless of whether or not the IV-D agency is enforcing the provision or whether or not he or she is ordered to provide coverage. Requiring the coverage to be terminated without the employer speaking with the employee will likely cause customer service issues, employee/employer confusion, and undesired gaps in coverage for the child(ren). Examples of situations in which the employee may want to continue coverage for the child(ren) may include:

- A non-public assistance applicant requesting the IV-D agency to stop enforcement of the IV-D case. The order for health care coverage is still in effect and the parent ordered to provide it wants the health care coverage to continue for the child(ren).
- The final child on an order emancipates and the order ends. The IV-D agency notifies the employer that the court order requiring the employee to provide health insurance is no longer in effect. The employee wants health care coverage to continue for the child(ren) because the child(ren) is eligible for coverage while in college.
- There's a court ordered change in custody and the employee now has custody of the child(ren). The IV-D agency is no longer enforcing the case due to the change in custody. The employee wants health care coverage to continue since the child(ren) is in his or her care.
- The parents reconcile and the court order is ended. The IV-D agency is no longer enforcing the case. The employee wants health care coverage to continue for the child(ren) now that the family is reconciled.

2. Page 1 of Part A (“Notice to Withhold for Health Care Coverage” section) - Towards the bottom of the page, a sentence exists telling the employer what types of health benefit plans the underlying order requires the employee to provide for the child(ren). The current wording of the phrase, “☐ **all** health coverages available” gives the impression the employer must enroll the dependent(s) in *any* and *all* plans available to the employee. If the intent of this statement is tell the employer that the employee must enroll the child(ren) in at least one of any plans available through the employer, we suggest changing the wording of this phrase to, “☐ **a** health insurance plan,” thus making the entire section read,
- The order requires the child(ren) to be enrolled in ☐ **a** health insurance plan; or ☐ only the following health insurance plan(s):
- ☐ Medical; ☐ Dental; ☐ Vision; ☐ Prescription drug; ☐ Mental health;
- ☐ Other (specify):

Note: If the above language is accepted, a similar change will need to occur on page 1 of Part B of the notice which is currently undergoing solicitation of public comment - OMB Number: 1210-0113, Federal Register Vol. 84 Number 59, Wednesday, March 27, 2019, page 11575.

Instructions to Employer (pages 4-5 of Part A)

3. Page 4 of Part A (page 1 of the “Instructions to Employer” section) – Under the “Employer Responsibilities” section, number 3 is being added. It says, “the Termination Order/Notice checkbox is checked, you are required to terminate the health care coverage of the child(ren) identified in the order.”

The suggested language above requires employers to terminate coverage when the “Termination Order/Notice” box is selected. As stated in comment #1, there are circumstances when medical enforcement ends through a IV-D agency; however, the employee and the employer should work together to determine if health care coverage should continue for the child(ren) based on the family’s circumstances. Requiring the coverage to be terminated without the employer speaking with the employee will likely cause customer service issues, employee/employer confusion, and undesired gaps in coverage for the child(ren). Again, examples of circumstances when it may be appropriate to continue coverage for the child(ren) may include:

- A non-public assistance applicant requesting the IV-D agency to stop enforcement of the IV-D case. The order for health care coverage is still in effect and the parent ordered to provide it wants the health care coverage to continue for the child(ren).
- The final child on an order emancipates and the order ends. The IV-D agency notifies the employer that the court order requiring the employee to provide health insurance is no longer in effect. The employee wants health care coverage to continue for the child(ren) because the child(ren) is eligible for coverage while in college.
- There’s a court ordered change in custody and the employee now has custody of the child(ren). The IV-D agency is no longer enforcing the order due to the change in custody. The employee wants health care coverage to continue since the child(ren) is in his or her care.

Iowa's recommended comments to the National Medical Support Notice – Part A

- The parents reconcile and the court order is ended. The IV-D agency is no longer enforcing the case. The employee wants health care coverage to continue for the child(ren) now that the family is reconciled.

We suggest the phrase “unless the employee chooses to keep the child(ren) enrolled” be added to number 3 to take into consideration some of the above circumstances. The sentence would then read,

3. If the Termination Order/Notice checkbox is checked, ***unless the employee chooses to keep the child(ren) enrolled***, you are required to terminate the health care coverage of the child(ren) identified in the order.

4. Page 5 of Part A (page 2 of the “Instructions to Employer” section) - The “Duration of Withholding” section, currently says the employer must continue to withhold employee contributions and may not disenroll (or eliminate coverage for) the child(ren) unless:
1. The employer is provided satisfactory written evidence that:
 - a. The court or administrative child support order referred to in this Notice is no longer in effect; or
 - b. The child(ren) is or will be enrolled in comparable coverage which will take effect no later than the effective date of disenrollment from the plan; or
 2. The employer eliminates family health coverage for all of its employees.

Using the same logic as in comments #1 and #3 above, we suggest adding an additional reason to #1 that allows disenrollment when the IV-D agency is no longer enforcing a medical support provision in a court or administrative order. In addition, since an employer may also discontinue enrollment when the employer is not able to withhold the employee's share of the premium based on prioritization and/or withholding limits, we suggest adding this as a third reason. The suggested change would read:

[...]The employer must continue to withhold employee contributions and may not disenroll (or eliminate coverage for) the child(ren) unless:

1. The employer is provided satisfactory written evidence that:
 - a. The court or administrative child support order referred to in this Notice is no longer in effect; or
 - b. The issuing agency is no longer enforcing the the court or administrative medical support order referred to in this Notice, or***
 - c. The child(ren) is or will be enrolled in comparable coverage which will take effect no later than the effective date of disenrollment from the plan; or
2. The employer eliminates family health coverage for all of its employees; ***or***
- 3. The employer is unable to continue enrollment because of prioritization or limitations on withholding.***

Note: If the above language is accepted, a similar change will need to occur in the Period of Coverage section of Part B of the notice which is currently undergoing solicitation of public comment - OMB Number: 1210-0113, Federal Register Vol. 84 Number 59, Wednesday, March 27, 2019, page 11575.

Timeframe for Implementation

5. Currently there is no standard federal “termination notice.” If state IV-D agencies will now be required to use the proposed NMSN to notify employers they are no longer enforcing medical support, states will need time to make programming changes. The NMSN currently expires on 08/31/2019. We request that OCSE allow for a transition period to give states time to make the programming changes after the new form is implemented.