

YOUR RIGHTS UNDER MEDICAL CHILD SUPPORT

I. What is Medical Support?

Federal and California laws require that every child support order include an order for “medical support.” See Code of Federal Regulations § 302.56(c)(3); California Family Code §§ 3750-82. This means that the court will order the noncustodial parent to provide health insurance for the child as long as it is available at a “reasonable cost.” Family Code §3751.

II. What if the Child in My Care Already Has Medi-Cal?

A child can have Medi-Cal and private insurance at the same time. However, a child who has both has to use the private insurance FIRST and Medi-Cal SECOND. Medi-Cal will generally not pay for services that are covered by the private insurance. Medi-Cal Eligibility Procedures Manual 15-A-1, Letter No. 155. For some insurance plans, this means you have to use the doctors in the plan. If you go to a doctor outside the plan, it’s possible that the plan and Medi-Cal will both refuse to pay for the services.

If the child is covered by Medi-Cal and by a Health Maintenance Organization (HMO) or Prepaid Health Plan (PHP) such as Kaiser, Blue Cross, Aetna, or Metropolitan Life, you must get regular (non-emergency) medical care as required by the health plan. This means that the doctor must be within the plan’s network and the service must be covered or pre-approved by the plan.

If you go to a doctor or a pharmacy that also takes Medi-Cal, then the doctor and the pharmacy should not make you pay any co-payments. Instead, they can either bill Medi-Cal for the co-payment or forget about it. Welfare & Institutions Code (WIC) § 14019.4; 22 CCR § 51002.

If the private insurance is not an HMO or PHP, you should go to a doctor who accepts both Medi-Cal and private insurance. Make sure that you show the doctor BOTH insurance cards so that the doctor knows to bill Medi-Cal after billing the private insurance. That doctor will first bill the private insurance. If the private insurance won’t pay for the service, the doctor will then bill Medi-Cal. If your child has Medi-Cal, the doctor should never charge you for any co-payments.

You do NOT have to use the private insurance if the nearest doctor covered by the plan is more than 60 miles or 60 minutes from your home. You do not have to report such health care to the Medi-Cal eligibility worker. If you do, make sure that the worker does not code the insurance in the computer system. If the nearest doctor in the health plan or HMO is too far away, you can go to a Medi-Cal provider near your home instead. Medi-Cal Eligibility Procedures Manual 15-A-3, Letter No. 155.

If you have questions about what to do when you have Medi-Cal *and* private health insurance, call **1-800-952-5294**, Monday through Friday, 8 a.m. to 5 p.m. Spanish speaking operators are available.

III. How Can I Get Information About My Children's Medical Support?

The Local Child Support Agency (formerly known as the Family Support Division of the District Attorney's Office) **MUST** tell you when it has secured private health insurance for the child, and **MUST** give you information about that insurance. Family Code § 3752(c)

If a child in your care has private insurance through a medical support order, you have a right to call or write the insurance company and get:

- the child's health insurance membership card
- the evidence of coverage and the disclosure form, which tell you what services are covered by the plan and how to choose a doctor
- anything you need to submit claims for medical care, dental care, or prescription medicine Family Code § 3751.5(c)-(i).

The insurance company **MUST** notify you in writing any time the health insurance for the child is terminated. Family Code § 3751.5(g).

Every time the private insurance coverage changes or ends, you will need to let Medi-Cal know. Medi-Cal Eligibility Manual 15A-11 through 15A-14, Letter No. 155. If the county fails to change the information regarding the children's OHC, you can FAX a copy of the termination letter to the Other Health Insurance Unit of the Third Party Liability Branch of DHS at (916) 324-3065. The termination letter is the letter from the private insurance saying the date (month) that the insurance stopped. You should write a cover letter with the child's social security or Medi-Cal ID number and specifically request that the correct information be input into the Medi-Cal computer system.

IV. What If I've Already Paid for Services Out-of-Pocket?

Sometimes, the child you're caring for might need medical care right away. If you can't wait to get information from the private health plan and can't use Medi-Cal because of the private health plan, you may be forced to pay for the services out-of-pocket. If that happens, you can try to get Medi-Cal or the private health insurer to pay you back afterwards. You should first submit a claim for reimbursement to the private health plan for direct reimbursement. If that claim is denied, write to the doctor and request that the doctor bill Medi-Cal for the services and then pay you back. WIC § 14019.3. Include a copy of the private insurance's denial and a copy of the child's Medi-Cal card. The health plan must pay you back if you submit a claim for a covered service provided by one of their doctors.

V. What If the Private Insurance Company Still Won't Give Me the Information I Need?

If the private insurance company refuses to give you information about the coverage, you have a few options. You can:

- File a complaint with the insurance company. If you don't know how to file a complaint with the insurer, call the Member Services department and ask them how to do so. If the insurance is a managed care plan, you can also call the Department of Managed Health Care to find out how to contact the HMO. After filing the complaint with the insurance company, you need to wait 30 days. If the insurance company doesn't fix the problem in 30 days, file a complaint with the California State Department of Managed Health Care, by calling or writing to:

Voice: (888) HMO-2219 FAX: (916) 229-0465 TDD: (877) 688-9891

Mailing Address:
Department of Managed Health Care
California HMO Help Center
980 Ninth Street, Suite 500
Sacramento, CA 95814-2725

VI. Medi-Cal Hearings

If Medi-Cal makes a mistake in your case, you have a right to a fair hearing, where a judge will decide if Medi-Cal has acted wrongly. You can request a hearing by calling the State Hearings Office 800-952-5253, faxing them at (916) 229-3390 or writing to them at the address listed on the back of your Medi-Cal notices.

VII. For More Help With Medical Support:

- Call your local Legal Aid Society. You can find the number in the government section of the Yellow Pages.
- Ask for help from the Local Child Support Agency (formerly known as the Family Support Division of the District Attorney's Office). You can find the number in the government section of the Yellow Pages. If they refuse to help you, ask to speak to the ombudsperson. You can also file a complaint against the Child Support Agency.
- Call the National Center for Youth Law at (510) 835-8098.
- All of the above!

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