



Continuation Coverage Rights Under Michelle's Law

Employment, Labor & Benefits Practice Group

Foster Swift Employment, Labor & Benefits Quarterly

December 2009

Effective for plan years beginning on or after October 9, 2009 (January 1, 2010 for calendar year plans), Michelle's Law protects certain dependent children whose eligibility for coverage under a group health plan is based on the child's full-time student status. The dependent child may remain covered under the group health plan for up to 12 months if (1) the child's student status changes as the result of a serious illness or injury, (2) the child would consequently lose group health plan coverage, and (3) the following criteria are satisfied:

- the child must have been eligible for coverage under the group health plan based on his full-time student status; and
- the employee must provide a written statement from the child's physician certifying that:
 - the child suffers from a serious illness or injury that commenced while he was enrolled in a post-secondary educational institution; and
 - it is medically necessary that the child take a leave of absence or otherwise change his enrollment in the institution in a way that would otherwise cause him to lose student status-based eligibility under the group health plan.

If the criteria are met and eligibility for a dependent child's coverage does not end for any other reason that would otherwise end coverage under the terms of the group health plan (such as exceeding the age limit for coverage or marriage), then coverage under the group health plan will continue for a maximum period of 12 months.

The employee must notify the Plan Administrator of any change in the dependent child's health status to qualify for continued health coverage under Michelle's Law.

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