

FREQUENTLY ASKED QUESTIONS REGARDING MEDICAL SUPPORT

Friend of the Court, 220 W. Ellsworth Street, 4th Floor, Midland, MI 48640

phone: (989) 832-6801

The Michigan Child Support Formula requires that support orders must provide for payment of health care insurance coverage, ordinary and extraordinary health care expenses for the benefit of the minor child(ren).

DO I HAVE TO NOTIFY THE FRIEND OF THE COURT ABOUT THE INSURANCE COVERAGE?

Each party shall keep the FOC informed of any health care coverage that is available to them as a benefit of employment or that is maintained by them, the name of the insurance company, health care organization or health maintenance organization; the policy, the certificate or contract number, and the names and birth dates of the persons for whose benefit they maintain health care coverage under the policy, certificate or contract.

I CAN'T AFFORD INSURANCE, WHAT SHOULD I DO?

The cost of health care insurance for the minor child(ren) should not exceed 5% of your gross pay. If you believe you cannot afford health care insurance, you must provide copies of 3 paystubs and an insurance cost sheet from your employer. A determination will be made regarding reasonable expense.

IS MEDICAID/MI-CHILD INSURANCE?

Health care insurance coverage is private insurance. This may be obtained through your employer or by an independent insurance agent. Medicaid and Mi-Child are not private insurance as they are funded by federal and state programs.

HOW CAN WE TELL WHO IS THE PRIMARY INSURED?

The Court order states who is responsible to provide health care insurance for the minor child(ren). If the order does not indicate who is the primary provider, this shall be left to the respective insurance companies for determination.

THE OTHER PARENT HAS INSURANCE FOR THE CHILD(REN), DO THEY HAVE TO GIVE ME AN INSURANCE CARD?

Each party is obligated to comply with the court's Order and provide the other party with:

- a. an insurance card;
- b. copies of insurance information and forms necessary to submit claims;
- c. copies of all determinations made as to the claim previously submitted.

It is the responsibility of each party to assist in the successful completion and submission of all claims pursuant to such coverage and to pay over to the other party or medical services provider any payments received pursuant to claims filed on behalf of the minor child(ren).

I PROVIDE INSURANCE AND THE OTHER PARENT WON'T USE IT:

If a party refuses to utilize the other party's insurance without just cause, the non-complying party may be liable for up to 100% of the costs incurred.

THE OTHER PARENT KEPT THE INSURANCE CHECK, WHAT CAN I DO?

If you believe that a party has received an insurance payment and has failed to forward the payment to the party who initiated service(s) and/or the health care provider, written notification must be sent to the FOC, with a copy of the explanation of benefits, and enforcement action will be taken. All insurance payments should be surrendered directly to the health care provider or to the parent that incurred the original debt.

WHAT IS A MEDICAL SUPPORT CHARGE?

If your support order was established on or after October 1, 2004, the amount to be charged to the Payer may include an annual medical support charge. This is in addition to the child support charge.

WHERE DOES MY PAYMENT FOR MEDICAL SUPPORT GO?

The Payee typically receives the medical support with the child support. The medical support may be assigned and paid to the State of Michigan if the child(ren) receive Medicaid.

WHAT IS ORDINARY MEDICAL EXPENSE (OME)?

The OME amount stated in your order is the amount the Payee must pay. Bills that total more than the OME stated in the order may be submitted to the Office of Friend of the Court to enforce reimbursement.

OME covers basic health care and medical expenses. It includes co-payments, deductibles, uninsured, and other health care-related costs for children eligible for support in this case.

HOW IS OME DETERMINED?

Effective 10/01/04 the State of Michigan set an average of OME as \$289.00 per child per year. Effective 10/1/08 the average OME is \$345.00 per child per year. Effective 1/1/13 the average OME is \$357.00 per child per year. Effective 1/1/17 the average OME is \$403.00 per child per year.

The Payer of support “pre-pays” a portion of this amount every month by paying medical support.

WHAT QUALIFIES AS A MEDICAL EXPENSE?

As defined by the Michigan Child Support Formula, “Health Care” means the products or services provided or prescribed by a person or organization licensed or legally authorized to provide or prescribe human health care products or services, including, but not limited to the following professionals: chiropractors, dentists, oral surgeons, orthodontists, prosthodontists, periodontists, endodontists, exodontists, dental hygienists, dental assistants, medical doctors, physician’s assistants, registered professional nurses, licenses practical nurses, nurse midwives, nurse anesthetists, nurse practitioners, trained attendants, optometrists, osteopaths, pharmacists, physical therapists, physiotherapists, physical therapy technicians, chiropodists, podiatrists, foot specialists, psychologists, psychological assistants, and psychological examiners. This also includes the following health facilities or agencies (even when located in a correctional institution or a university, college or other educational institution): ambulances, advanced mobile emergency care services, clinical laboratories, county medical care facilities, freestanding surgical outpatient facilities, health maintenance organizations, homes of the aged, hospitals, and nursing homes.

WILL THE FRIEND OF THE COURT ENFORCE MEDICAL BILLS?

The Friend of the Court does enforce the Court order regarding insurance, medical support and medical bills that are more than the OME listed in your order.

Forms necessary to request enforcement of medical bills are available on line at: www.co.midland.mi.us/foc or you may request the forms be mailed to you.

If you are the party requesting enforcement, you must cooperate and appear at all meetings, conferences and hearings required by the FOC. If you request a hearing and fail to appear, the hearing will be suspended or dismissed.

Court costs up to \$1,500.00 may be assessed against a non-compliant party.

WILL THE FRIEND OF THE COURT COLLECT PAYMENT FOR BRACES?

If enforcement of orthodontics/braces is requested, a copy of the original contract made between the provider (dentist) and the party initiating the service must be provided to the FOC. Monthly billing statements will not be accepted. You must also provide a copy of the written notification that was sent to the other party notifying them of the services prior to the contract being entered with the provider.

DOES THE OTHER PARENT HAVE TO HELP PAY CO-PAYS AND DEDUCTIBLES?

Any amounts applied to a party’s deductible and co-pays, under the insurance contract, are deemed uninsured and each party is responsible for a percentage of the unpaid balance as directed by the Court order.

Medicaid may or may not pay all or a portion of what is not paid by insurance. Any unpaid remainder is deemed uninsured and each party is responsible for a percentage of the unpaid balance as directed the Court order.

WHAT IS EXTRAORDINARY MEDICAL?

Extraordinary medical is when uninsured health care expenses for the minor child(ren) exceed \$289.00 and/or \$345.00 per child per year (OME), or the amount that is provided in the current order.

Your order provides a percentage that each parent is responsible to pay when uninsured health care expenses exceed the specific ordered amount of \$289.00 and/or \$345.00/\$357.00/\$403.00 per child per year (OME).

AM I RESPONSIBLE FOR THE BILL?

Unless a party signs as guarantor for health care costs, or in the absence of a Court Order stating otherwise, the FOC considers the party who initiated services to be responsible for the payments owing to the health care provider. It is recommended that the party make payment arrangements with the provider to prevent any unpaid accounts from going to collection. The Friend of the Court will enforce the Court order of any health care obligation(s) between the parents.

DOES THE CUSTODIAL PARENT HAVE TO TELL ME ABOUT THE CHILD(REN)S HEALTH CARE?

If your order provides for joint legal custody, the party obtaining health care services for the child(ren) must notify the other party in advance, in writing, regarding the required care for all standard health care procedures (i.e. non-emergency situations). If you do not agree to child(ren)s treatments and/or health care expenses, you may seek a 2nd medical opinion and file an objection with the FOC. A hearing may be scheduled and all written medical opinions submitted by a health care provider will be taken into consideration in making a determination.