

NEW LAW REQUIRES CONTINUED HEALTH CARE COVERAGE FOR DEPENDENT COLLEGE STUDENTS ON MEDICALLY NECESSARY LEAVES OF ABSENCE

A new law signed by President Bush on October 9, 2008 amends ERISA, the Internal Revenue Code and the Public Health Service Act to allow a college student, who is a covered dependent under his or her parents' health care plan, to continue coverage for up to one year if required to take a leave of absence from college for medical reasons. The new requirements are effective for plan years beginning on or after October 9, 2009, so they will apply to calendar year plans beginning in 2010, and will apply to leaves of absence beginning during those plan years. Here are some of the highlights:

- The child must be covered as a dependent under his or her parents' health care plan, on the basis of being a student at a post-secondary educational institution, immediately before the medically necessary leave of absence begins.
- The continued coverage is available for any leave of absence or other change in enrollment, due to a serious illness or injury, that would otherwise cause the child to lose student status for purposes of coverage eligibility under the health care plan.
- Extended coverage is available for medically necessary leaves of absence up to one year.
- Written certification of medical necessity is required from the child's treating physician.
- The group health plan must provide notice to participants of the terms for continued coverage, along with any notice requiring certification of student status.

If you have questions or would like additional information about this new health care coverage requirement, please feel free to contact Brian Dougherty at 215-587-5919 or bdougherty@postschell.com.

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