

5101:12-47-01      **Medical support provisions definitions.**

The following definitions apply throughout division 5101:12 of the Administrative Code:

- (A) "Accessible" means that primary care services are located within thirty miles from the residence of the child subject to the child support order. Private health insurance is presumed accessible unless determined inaccessible by a child support enforcement agency (CSEA) during an administrative proceeding, or by a court with jurisdiction over the child support case.
- (B) "Cash medical support" has the same meaning as in division (A)(1) of section ~~3119.29~~3119.01 of the Revised Code.
- (C) "Child support order" means either a court child support order or administrative child support order.
- (D) "Federal poverty level for an individual" means the official poverty guideline amount for a one-person household, as revised annually in accordance with 42 U.S.C. 9902(2) (10/27/98).
- (E) "Health plan administrator" means any entity authorized under Title XXXIX of the Revised Code to engage in the business of insurance in this state, any health insuring corporation, any legal entity that is self-insured and provides benefits to its employees or members, and the administrator of any such entity or corporation.
- (F) "Health insurance obligor" means a person who is required under a child support order to provide private health insurance coverage for the child subject to the child support order. The health insurance obligor may be either the custodial parent, the non-custodial parent, or both.
- (G) "Medical support" means a provision of a support order:
  - (1) To provide private health insurance coverage for the child subject to the support order that is reasonable in cost and presumed to be accessible, or to report available health insurance coverage;
  - (2) To provide cash medical support ~~when private health insurance coverage is not available to either party or is not being provided by the health insurance obligor(s) in accordance with the order;~~
  - (3) For the shared responsibility of uncovered healthcare expenses; or
  - (4) That is issued by the court for payment of a specified dollar amount for medical expenses incurred on behalf of the individual subject to the support order.

(H) "Primary care services" means health care services and laboratory services customarily provided by or through a licensed general practitioner, family medicine physician, internal medicine physician, or pediatrician.

(I) "Reasonable cost" and "reasonable in cost" mean:

- (1) For a child support order issued or modified before July 21, 2008, employment-related health insurance coverage or other group health insurance, regardless of service delivery mechanism; or
- (2) For a child support order issued or modified on or after July 21, 2008, the cost of health insurance to a parent does not exceed five per cent of the annual gross income of the parent. In applying the five per cent to the cost, the cost is the difference between self-only and family coverage.

"Family coverage" means the lowest-cost private health insurance plan that provides coverage for the child(ren) subject to the child support order.

(3) For a child support order issued or modified on or after March 28, 2019, the cost of health insurance to a parent does not exceed five per cent of the annual income of that parent. In applying the five per cent to the cost, the cost is the total actual out-of-pocket cost of a health insurance premium paid or expected to be paid for the coverage.

(J) "Shared responsibility of uncovered healthcare expenses" means the medical support provision established under ~~an equitable~~ formula in accordance with section 3119.30 or 3119.32 of the Revised Code for the obligor and obligee to each cover an identified percentage of: the uninsured medical expenses incurred for a child during a calendar year that exceed the total cash medical support amount owed by the parents during that year.

- ~~(1) The costs of the healthcare needs of the child subject to the child support order that exceed the amount of cash medical support to be paid when private health insurance coverage is not available to either party; or~~
- ~~(2) The uninsured health care costs or co-payment or deductible costs required under the health insurance policy, contract, or plan that covers the child subject to the child support order when private health insurance coverage is provided in accordance with the order.~~

Effective:

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Certification

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Date

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