

*State of Idaho*  
**DEPARTMENT OF INSURANCE**

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Director

**BULLETIN NO. 09-12**

**DATE:** September 29, 2009

**TO:** Disability/Health Carriers, Third Party Administrators and Producers

**FROM:** William W. Deal, Director

**SUBJECT:** "Michelle's Law" for Dependent College Students and Medically Necessary Leaves of Absence

The federal law known as "Michelle's Law" (Public Law 110-381) allows a seriously ill or injured college student who is a covered dependent under an insured parent's health insurance plan to continue coverage for up to one year while on a medically necessary leave of absence. Carriers authorized to offer disability/health insurance in Idaho must conform to the requirements of this law for individual and group plans under all types of health insurance coverage issued for use in this state.<sup>1</sup>

The law applies to plan years beginning on and after October 9, 2009, or to calendar year plans beginning January 1, 2010.

The law applies to a dependent child, as defined by the terms of the plan, who was enrolled in the plan on the basis of being a student at a postsecondary educational institution (college, university) immediately before the first day of the medically necessary leave of absence. "Medically necessary leave of absence" is a leave that begins while a dependent child is suffering from a serious illness or injury, is medically necessary (as certified in writing by a physician), and causes the child to lose student status for the purposes of coverage under the plan.

Coverage may be continued until the earlier of:

- One year after the first day of the medically necessary leave of absence; or
- The date on which coverage would otherwise terminate under the terms of the plan (e.g., reaching a limiting age, or termination of coverage for all dependents under the plan).

The child is entitled to the same level of benefits during the leave as the child had before the leave or for any change in coverage applicable to all dependents under the plan.

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<sup>1</sup> Carriers should also keep in mind that Idaho law defines "dependent" for health coverage purposes to include an unmarried child under the age of twenty-five years who receives more than one-half of his or her financial support from the parent, without regard to status as a student. See Bulletin 09-05.

Health plans/insurers must include, with any notice regarding certification of student status, a plain language description of the terms for continued coverage during medically necessary leaves of absence.

Forms submitted to this department's Rates and Forms Section will be reviewed for compliance with this federal law.

Any questions regarding this bulletin may be directed to Joan Krosch, Health Policy Specialist, (208) 334-4300, or by email to: [joan.krosch@doi.idaho.gov](mailto:joan.krosch@doi.idaho.gov)