

Children's Health Insurance Program Reauthorization Act

The Children's Health Insurance Program (CHIP) Reauthorization Act (the "act") was signed by President Barack Obama, to provide funding for children's health insurance under Medicaid and the state children's health. Several provisions of the act impact employer's, group health plans and group health insurance carriers by requiring:

1. A new HIPAA special enrollment period for employees or dependents that either lose Medicaid or CHIP coverage, or become eligible for state premium assistance for purchasing coverage under a group health plan.
2. A general notice to employees describing potential opportunities for premium assistance under the employee's or dependent's state Medicaid or CHIP program.
3. Disclosure of certain group health plan coverage information on request by a state Medicaid or CHIP agency.

Group health plans and health insurance carriers are required to permit an employee (or dependent of the employee), who is eligible but not enrolled for coverage, to enroll for coverage if:

- The employee (or dependent) is covered under a Medicaid or CHIP plan and coverage is terminated as the result of the loss of eligibility for Medicaid or CHIP coverage; or

- The employee (or dependent) becomes eligible for premium assistance to purchase coverage under the applicable state Medicaid or CHIP plan; and
- The employee requests coverage no later than 60 days after the date eligibility is lost or the date the employee (or dependent) is determined to be eligible for state premium assistance.

The new special enrollment period requirement is effective April 1, 2009.

What This Means For Counties

The law amends ERISA, the Internal Revenue Code and the Public Health Services Act. This means that employers with plans subject to ERISA as well as church plans and non-federal governmental plans will be required to comply. Self-funded non-federal governmental plans may make an annual election to opt out subject to the Health Insurance Portability and Accountability