

## HEALTH WAY OF SAN DIEGO COUNTY TRUST FUND

### QUALIFIED MEDICAL CHILD SUPPORT ORDER PROCEDURES

The following are procedures for processing medical child support orders ("MCSO") received by the Health Way of San Diego County Trust Fund ("Trust" or "Plan"):

1. The MCSO must be served on the plan administrator, Participating employers will refer any MCSO potentially affecting the plan's coverage of any person to the plan administrator or trust attorney without delay.

2. Following service of any MCSO on the plan, the concerned participating employee ("participant") and each alternate recipient or a designated representative will be advised that the MCSO was served on the plan, and will be provided with a copy of these procedures. An "alternate recipient" means any child of a participant who is recognized under a MCSO as having a right to enrollment in the plan with respect to the participant.

3. The plan administrator will refer the MCSO to the trust attorney for an opinion as to whether the MCSO is a "qualified medical child support order" (QMCSO) as defined by section 609(a)(2)(A) of ERISA. If the plan insurer agrees to comment on the legal sufficiency of orders, the trust attorney may forward the MCSO to the insurer for a preliminary review. However, the final determination of whether the MCSO is qualified shall be made to by the trust attorney.

4. In order to constitute a QMCSO, the order must (a) create or recognize the existence of an alternate recipient's right to receive benefits for which the participant or beneficiary is eligible under a group health plan, (b) clearly specify the name and the last known mailing address of the participant and the name and mailing address of each alternate recipient covered by the order, except that, to the extent provided in the order, the name and mailing address of an official of a state or an agency may be substituted for the mailing address of any alternate recipient, (c) specify a reasonable description of the type of coverage to be provided to each alternate recipient or the manner in which the type of coverage is to be determined, and (d) specify the period to which the order applies.

5. Upon receiving the trust attorney's opinion on the status of the MCSO, the participant and each alternate recipient shall be furnished a copy of the legal opinion. If it has been determined that the MCSO is a QMCSO, the terms and conditions of payment of premiums and entitlement to coverage as specified in the MCSO will be promptly communicated to the participant and to each alternate

recipient at the addresses specified in the QMCSO. A copy of the summary plan description will be sent to each alternate recipient at this time.

6. If a QMCSO is issued with regard to an employee of a participating employer who is eligible for enrollment under the terms of the plan but who has not voluntarily enrolled in the plan, the plan administrator will notify the participating employer that it has a duty to attempt to enroll the employee by providing the employee with an opportunity to enroll in the plan consistent with Department of Labor regulations.

7. If the court has not issued an MCSO but the plan is joined in an action in which the court has authority to issue a QMCSO, the plan administrator and the trust attorney shall suggest changes and highlight problem areas for any proposed QMCSO.

8. Upon termination of the alternate recipient's coverage as a result of a qualifying event, the plan administrator shall provide written notice to the alternate recipient of his or her right to elect to continue health plan coverage under COBRA. The plan administrator shall provide the notice to the last known mailing address of each custodial parent or alternate recipient, if available. If the mailing address of the custodial parent or alternate recipient has not been provided, the plan administrator shall send the notice to the substituted official/agency mailing (Department of Child Support Services) address listed on the National Medical Support Notice. The plan administrator shall instruct the substituted official/agency to forward the notice to the custodial parent immediately.

9. This procedure shall be followed for each modified MCSO received.

Dated this 3 day of October, 2006.



Barbara Alderson, Chairperson



Donald Tartre, Secretary