

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 279

Short Title: Health Benefits/Handicapped.

(Public)

Sponsors: Representatives Redwine; and Mercer.

Referred to: Public Employees.

March 21, 1991

A BILL TO BE ENTITLED

**AN ACT TO PROVIDE HEALTH BENEFITS FOR HANDICAPPED DEPENDENTS
OF TEACHERS AND STATE EMPLOYEES PREVIOUSLY EXCLUDED FROM
COVERAGE BY THE TEACHERS' AND STATE EMPLOYEES'
COMPREHENSIVE MAJOR MEDICAL PLAN.**

The General Assembly of North Carolina enacts:

Section 1. G.S. 135-40.1(3) reads as rewritten:

"(3) Dependent Child. – A natural, legally adopted, or foster child of the employee and/or spouse, unmarried, up to the first of the month following his or her 19th birthday, whether or not the child is living with the employee, as long as the employee is legally responsible for such child's maintenance and support. Dependent child shall also include any child under age 19 who has reached his or her 18th birthday, provided the employee was legally responsible for such child's maintenance and support on his or her 18th birthday.

A foster child is covered (i) if living in a regular parent-child relationship with the expectation that the employee will continue to rear the child into adulthood, (ii) if at the time of enrollment, or at the time a foster child relationship is established, whichever occurs first, the employee applies for coverage for such child and submits evidence of a bona fide foster child relationship, identifying the foster child by name and setting forth all relevant aspects of the relationship, (iii) if the Claims Processor accepts the foster child as a participant through a separate written document identifying the foster child by name and

1 specifically recognizing the foster child relationship, and (iv) if at the
2 time a claim is incurred, the foster child relationship, as identified by
3 the employee, continues to exist. Children placed in a home by a
4 welfare agency which obtains control of, and provides for maintenance
5 of, the child(ren), are not eligible participants.

6 Coverage may be extended beyond the 19th birthday under the
7 following conditions:

- 8 a. If the dependent is a full-time student, between the ages of 19
9 and 26, who is pursuing a course of study that represents at least
10 the normal workload of a full-time student at a school or college
11 accredited by the state of jurisdiction.
- 12 b. The dependent is physically or mentally incapacitated to the
13 extent that he or she is incapable of earning a living and (i) such
14 handicap developed or began to develop before the dependent's
15 19th birthday, and ~~(ii) the dependent was covered by the Plan and/or~~
16 ~~the Predecessor Plan when such handicap began and there has been~~
17 ~~no lapse in coverage since that time or, the dependent was not~~
18 ~~covered by the Predecessor Plan at the time the handicap began, but~~
19 ~~was subsequently covered by the Predecessor Plan and there has been~~
20 ~~no lapse in coverage since that time. or (ii) such handicap~~
21 developed or began to develop before the dependent's 26th
22 birthday if the dependent was covered by the Plan in
23 accordance with G.S. 135-40.1(3)a."

24 Sec. 2. Dependents excluded from coverage under the Teachers' and State
25 Employees' Comprehensive Major Medical Plan because of G.S. 135-40.1(3)b. before
26 its amendment by this act may be enrolled in the Plan in accordance with the provisions
27 of G.S. 135-40.1(7) upon the effective date of this act.

28 Sec. 3. This act becomes effective October 1, 1991.