

# Uninsured Healthcare Expenses

## Procedure for Obtaining Enforcement of Medical Orders

### **What is an appropriate medical bill?**

A bill that is based on health care services provided to the minor child that is not covered by insurance. Health care includes treatments, care, etc. associated with oral, visual, psychological, medical and other related needs which are provided or prescribed by a health care professional.

The annual ordinary threshold amount must be met prior to requesting reimbursement for additional health care expenses. The expense must be an Uninsured Medical Expense. The bill must be submitted to all available insurance carriers before the Friend of the Court will enforce it.

### **IMPORTANT**

*All health care expenses must be submitted to the other party within 28 days after the insurance has paid its portion or denied coverage. If uninsured, must be submitted within 28 days of the initial bill.*

If a parent has chosen not to use a health care provider covered by either parent's insurance, he/she may most likely be responsible for that expense. Exceptions may be made based on distance or other significant extenuating circumstances.

### **HOW TO REQUEST ENFORCEMENT FROM THE FOC**

You must submit the *Complaint for Enforcement of Healthcare Expense* along with all supporting documents. It is required to provide and attach all documentation along with the *Request for Healthcare Expense Payment*, previously submitted to the other parent, when requesting FOC assistance.

### **HOW TO GET REIMBURSEMENT**

1. The obligor (party reimbursement is requested from) pays the amount in full.  
-or-
2. The requesting parent submits the *Complaint for Enforcement of Healthcare Expenses* to the FOC who then prepares a payment order and neither parent objection within 21 days to the proposed reimbursement order.

### **REQUIREMENTS**

Each medical bill must meet the following requirements before it will be accepted:

1. The bills must be presented to the FOC within the earlier of

- 1 year after expense was incurred;
  - 6 months after the insurer's final denial of coverage for the expense (as long as all measures necessary to submit the claim to insurance were completed within 2 months after the expense was incurred;
  - 6 months after a default in a repayment agreement between the parties.
- You will need to fill out a second form to request enforcement.

2. The name of the child/ren must appear on the face of the bill.
3. The name, address and phone number of the health care provider must appear on the face of the bill.
4. A description of the service must appear on the face of the bill.
5. The date of treatment must appear on the face of the bill.
6. Do not submit a balance forward statement.
7. Documentation of submission to the relevant insurance carrier that should include an explanation of benefits form or statement from the provider, which indicates insurance payments and/or uninsured portions

### **HOW TO SUBMIT MEDICAL BILLS TO THE OTHER PARTY**

1. The expense must exceed the amount your child support order requires as the **annual ordinary expense threshold**.
2. If the parties reach an agreement concerning the expenses, the agreement must be in writing, list the expenses to be paid, state the total expenses to be paid, and provide a schedule for payment. Both parties must sign the agreement, and if enforcement is requested this must be submitted to the FOC.
3. In the event that it should be necessary for the FOC to enforce payment of the expenses, you must have supporting bills and receipts for the expenses you list. You will be responsible for substantiating the expenses and their necessity. It is required that all documentation be submitted along with the *Request for Healthcare Expense Payment*, to the other parent when requesting FOC assistance.
4. Attach a copy of all bills and insurance notifications to the *Request for Healthcare Expense Payment* form.
5. You must keep a copy of this form and all attachments for the FOC to use in the event that enforcement action is necessary.

### **WHO DECIDES IF MEDICAL TREATMENT IS NECESSARY**

Ideally, both parties should work together to make such decisions. In terms of routine medical care, the custodial parent typically bears the responsibility, and the FOC will not second-guess those decisions. In the majority of cases, the parties share joint legal custody and both parents are required to participate in the decision making process regarding major medical decisions for their children.

### **HEALTH CARE INSURANCE**

The FOC will enforce court orders that require either or both parties to carry health care coverage for the minor child/ren.

**REMINDER**

**All healthcare expenses must be submitted to the other party within 28 days after insurance has paid its portion or denied coverage. If uninsured, within 28 days of receipt of initial bill.**