

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

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**HOUSE BILL 180**

Short Title: State Health Plan/Dependent Child Coverage. (Public)

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Sponsors: Representative Howard.

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Referred to: Health.

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March 4, 2003

A BILL TO BE ENTITLED  
AN ACT TO ENABLE CERTAIN DEPENDENT CHILDREN TO BE ELIGIBLE  
FOR BENEFITS UNDER 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:

**"§ 135-40.1. General definitions.**

As used in Parts 2 and 3 of this Article, the following terms have the meaning specified as follows:

- ...
- (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 specifically recognizing the foster child relationship, and (iv) if at the time a claim is incurred, the foster child relationship, as identified by

1 the employee, continues to exist. Children placed in a home by a  
2 welfare agency which obtains control of, and provides for maintenance  
3 of, the child(ren), are not eligible participants.

4 A blood relative of the employee is also covered by this section if  
5 (i) the blood relative is living in a regular parent-child relationship  
6 with the expectation that the employee/spouse will continue to rear the  
7 child into adulthood, (ii) at the time of enrollment, or at the time a  
8 dependent-child relationship is established, whichever occurs first, the  
9 employee/spouse applies for coverage of such child and submits  
10 evidence of a document executed by the employee/spouse and  
11 providing that the employee/spouse agrees to be responsible for the  
12 support and maintenance of such child and for health care costs of  
13 such child incurred pursuant to Plan coverage, (iii) the Claims  
14 Processor accepts the dependent child as a participant through a  
15 separate written document identifying the dependent child by name  
16 and specifically recognizing the parent-child relationship, and (iv) at  
17 the time a claim is incurred, the parent-child relationship, as identified  
18 by the employee/spouse, continues to exist.

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

- 21 a. If the dependent is a full-time student, between the ages of 19  
22 and 26, who is pursuing a course of study that represents at least  
23 the normal workload of a full-time student at a school or college  
24 accredited by the state of jurisdiction.
- 25 b. The dependent is physically or mentally incapacitated to the  
26 extent that he or she is incapable of earning a living and (i) such  
27 handicap developed or began to develop before the dependent's  
28 19th birthday, or (ii) such handicap developed or began to  
29 develop before the dependent's 26th birthday if the dependent  
30 was covered by the Plan in accordance with G.S. 135-40.1(3)a.

31 Dependent children of firemen, rescue squad workers, and  
32 members of the national guard are subject to the same terms and  
33 conditions as are other dependent children covered by this  
34 subdivision."

35 **SECTION 2.** This act is effective when it becomes law.