

# Medical Support

## Medical Support in General

Medical support is a form of child support often provided as health care insurance, although it can take other forms such as additional amounts to cover a portion of ongoing medical bills or as reimbursement for uninsured medical costs. The court order may require your employee to provide health insurance for his/her dependents. Current law requires that every child support order enforced by a state Child Support Enforcement (CSE) agency include a provision for health care coverage. The court may order either or both parents to provide the health care coverage for the children. [\[WVCODE 48-12-102\]](#) When the noncustodial parent is ordered to provide the health insurance, State CSE agencies are required to pursue private health care coverage when such coverage is available through the noncustodial parent's employer at a reasonable cost. [\[WVCODE 48-12-101\]](#)

## National Medical Support Notice

The National Medical Support Notice (NMSN) [\[National Medical Support Notice\]](#) is a notice sent to employers from the state child support enforcement agency to ensure that children receive health care coverage when it is available and required as a part of the child support order. [\[WVCODE 48-12-104\]](#) The notice is considered under ERISA to be a Qualified Medical Child Support Order, or QMSO. [\[ WVCODE 48-12-101\]](#)

The NMSN has two parts along with instructions: Part A and Part B. Part A is completed by the child support enforcement agency and sent to you with the rest of the packet. The Employer Response section of Part A allows you to respond to the notice in the following situations:

1. You do not provide health insurance for your employees.
2. The employee is not eligible for the health care coverage you provide.
3. The employee is no longer employed by you.
4. The State or Federal withholding limitations and/or prioritization scheme prevent withholding the amount required to obtain coverage from the employee's income.

If 1, 2, 3, or 4 does not apply, then Part B of the notice is to be forwarded to your health care plan administrator for handling. The plan administrator will notify you when enrollment has been completed. You must then notify your payroll department to make the appropriate deductions for employee contributions required under the health plan. It is at this point that you may determine whether the total deductions exceed the maximum allowed under the Consumer Credit Protection Act (CCPA) and any applicable state law.

If the amount of child support plus the deduction for the health care premium exceeds the maximum deduction allowable, state law in the state where the employee is employed determines the priority for payment. If the CCPA limits preclude payment of ongoing support and health care premiums and the state's priority scheme does not allow payment of the health care premium first, you must notify the issuing agency by completing #5 on the Employer Response form and sending the form to the agency.

A few of the employer's responsibilities include:

- Enrolling the children in the available insurance plan. [\[WVCODE § 48-12-111\]](#)
- Withholding the health insurance premiums from the noncustodial parent's wages. [\[WVCODE § 48-12-111\]](#)
- Remitting the premium withheld to the plan. [\[WVCODE § 48-12-111\]](#)
- Reporting terminated employees to the State Child Support Enforcement Agency. [\[WVCODE § 48-12-107\]](#)

## Consumer Credit Protection Act (CCPA)

The CCPA limits are expressed as a percentage of the noncustodial parent's disposable income from which child support can be withheld. **In West Virginia, the CCPA limitation for withholding health care premiums is between 50% and 65% of the noncustodial parent's disposable income.** [\[ WVCODE § 48-12-112\]](#) The CCPA limitation for withholding cash child support obligations is between 40% and 55% of the noncustodial parent's income. [\[WVCODE § 48-14-408 \]](#)

## Priority for Withholding

The total amount to be withheld for both child support and medical support--the amount of cash child support plus the amount of the health insurance premium--must fall within the CCPA limits. If the total exceeds the CCPA, the employer must follow the prioritization required under state law in the state where the employee is employed to determine whether child or medical support should be paid first. [[State Medical Support Contacts-Medical Support Matrix](#) ]

West Virginia law requires that priority be given to payment of the cash child support before deducting for the health insurance premium. [WVCODE § 48-12-108]

[Medical Support Frequently Asked Questions](#)