

Michelle's Law

Dependent students under the terms of the plan who take a physician certified medically necessary leave of absence from a postsecondary educational institution (college, university, or vocational school) due to a serious illness or injury will have coverage the earlier of one year from the first day of the medical leave of absence or the date on which the coverage otherwise would terminate.

Michelle's Law prohibits a group health plan, or a health insurance issuer that provides health insurance coverage in connection with a group health plan, from terminating coverage of a dependent child due to a qualifying "medically necessary leave of absence" from, or other change in enrollment at, a postsecondary educational institution prior to the earlier of:

- The date that is one year after the first day of the medically necessary leave of absence;
- The date on which such coverage would otherwise terminate under the terms of the plan.

In order to be a "medically necessary leave of absence," the student's leave must:

- Commence while the dependent child is suffering from a serious illness *or* injury;
- Be medically necessary; and
- Cause the dependent child to lose student status for purposes of coverage under the terms of the parents' plan or coverage.

A child is a "dependent child" under the law if he or she:

- Is a dependent child, under the terms of the plan or coverage, of a participant or beneficiary under the plan or coverage; and
- Was enrolled in the plan or coverage, on the basis of being a student at a postsecondary educational institution, immediately before the first day of the medically necessary leave of absence.

A treating physician of the dependent child must certify that the dependent child is suffering from a serious illness *or* injury and that the leave of absence (or other change of enrollment) described is medically necessary.