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Bulletin 189

COVERAGE OF CHILDREN TO AGE 26

This Bulletin is directed to all insurers writing policies of accident and sickness insurance, as defined by IC 27-8-5-1, and all health maintenance organizations as defined by IC 27-13-1-19 ("HMOs"). Indiana Public Law 218-2007 extended insurance coverage for children up to age 24 in individual policies, group policies, and HMO subscriber contracts. Thereafter, the federal Patient Protection and Affordable Care Act (Publ. Law 111-148) and the Health Care and Education Reconciliation Act (Publ. Law 111-152) (collectively "ACA") extended dependent coverage to children up to age 26 in certain health insurance products. In response, Indiana Public Law 160-2011 (SEA 461) amended Indiana law by extending the limiting age for children from 24 to 26. Indiana Public Law 160-2011 applies to all individual policies (IC 27-8-5-2(a)(3)), group policies (IC 27-8-5-28), and HMO subscriber contracts (IC 27-13-7-3(a)(26)), and not just those products subject to ACA. This Bulletin is intended to provide guidance on the implementation of these changes to the Indiana law.

Indiana Public Law 160-2011 requires insurers and HMOs that offer dependent coverage to make the coverage available until a child reaches the age of 26. Consistent with the federal law, coverage cannot be restricted regardless of financial dependency, residency, marital status, student status, employment, eligibility for other coverage, or IRS qualification. This requirement applies to natural and adopted children, stepchildren, and children subject to legal guardianship.

The relevant provisions of Indiana Public Law 160-2011 were made retroactive to September 23, 2010. However, there are products that are covered by the state law that are not covered by the ACA. Since it would be impossible to retroactively provide coverage, it is the Department's position that the retroactive provisions of Indiana Public Law 160-2011 apply only to those products subject to the ACA. For any health insurance policy or HMO contract that is not subject to the ACA, it is the Department's position that the requirement to extend insurance coverage to children up to age 26 applies to a policy or contract issued or renewed on or after May 17, 2011.

Bulletin 153 and Bulletin 156 are hereby withdrawn.

Questions regarding this Bulletin should be directed to Erin Mathies, Health Care Director, at (317) 234-7732 or emathies@idoi.IN.gov.

INDIANA DEPARTMENT OF INSURANCE


Stephen W. Robertson, Insurance Commissioner