PUBLIC SUBMISSION

Docket: IRS-2010-0011
Group Health Plans and Health Insurance Issuers Providing Dependent Coverage of Children to Age 26 under the Patient Protection and Affordable Care Act

Comment On: IRS-2010-0011-0002
Group Health Plans and Health Insurance Issuers Relating to Dependent Coverage of Children to Age 26, etc.

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General Comment

State law currently requires that we cover children and stepchildren, but it also requires we cover 'other children' who live with the member in a parent-child relationship. This could include grandchildren, nieces, nephews, or any other child. The only way we have of determining the parent-child relationship for someone who is not a member's actual child is through residency or support tests. May residency and support tests be used to determine a parent-child relationship for coverage that is above and beyond the coverage of a member's 'child'? If this is not allowed, then we would have to cover anyone a member chose to cover, no matter what the relationship, or we would be forced to try to change the state statute to exclude the 'other' children, which would have a negative impact.

If we are forced to change our statute and rules to exclude anyone but children and step-children because there is no way to validate the parent-child relationship, would this jeopardize grandfather status?