§2309. Recovery of health care benefits

1. Remedies available. After notice and opportunity for hearing, the department may use any remedies available for collection of child support to recover money from a responsible parent who:

A. Is required by a court or administrative order to provide health care coverage for a dependent child; [PL 1997, c. 537, §44 (NEW); PL 1997, c. 537, §62 (AFF).]

B. Has received payment from a 3rd party for health care costs incurred by the dependent child and paid for by the custodial parent, the department or another payor of public assistance; and [PL 1997, c. 537, §44 (NEW); PL 1997, c. 537, §62 (AFF).]

C. Has not reimbursed the custodial parent, department or another payor of public assistance who has paid for the dependent child's care. [PL 1997, c. 537, §44 (NEW); PL 1997, c. 537, §62 (AFF).]

A claim for current or past-due child support takes priority over a claim under this section.
[PL 1997, c. 537, §44 (NEW); PL 1997, c. 537, §62 (AFF).]

2. Notice to responsible parent. An action to recover health care benefits under this section may be commenced by serving notice on the responsible parent. The notice must:

A. Explain the nature of the proceeding; [PL 1997, c. 537, §44 (NEW); PL 1997, c. 537, §62 (AFF).]

B. Explain to the responsible parent that the responsible parent may contest the claim set forth in the notice at a department administrative hearing; [PL 1997, c. 537, §44 (NEW); PL 1997, c. 537, §62 (AFF).]

C. State the responsible parent's basic hearing rights; [PL 1997, c. 537, §44 (NEW); PL 1997, c. 537, §62 (AFF).]

D. Inform the responsible parent of what the department may do to collect the claim if the responsible parent does not contest it; and [PL 1997, c. 537, §44 (NEW); PL 1997, c. 537, §62 (AFF).]

E. Explain to the responsible parent about the stay of collection provided for by subsection 7. [PL 1997, c. 537, §44 (NEW); PL 1997, c. 537, §62 (AFF).]

[PL 1997, c. 537, §44 (NEW); PL 1997, c. 537, §62 (AFF).]

3. Service. The department shall attach a copy of the responsible parent's support order to the notice. Service of the notice must be made by certified mail, return receipt requested, or by personal service as specified in the Maine Rules of Civil Procedure, Rule 4. For purposes of this section, authorized representatives of the commissioner may serve the notice.
[PL 1997, c. 537, §44 (NEW); PL 1997, c. 537, §62 (AFF).]

4. Notice to custodial parent. If the department commences an action under this section for the benefit of a custodial parent, the department shall mail a copy of the notice to the custodial parent by regular mail. The notice to the custodial parent must state the custodial parent's basic hearing rights. If the custodial parent's rights are at issue, the department shall send to the custodial parent by regular mail notice of the date, time and place of the hearing if one is requested.
[PL 1997, c. 537, §44 (NEW); PL 1997, c. 537, §62 (AFF).]

5. Administrative hearing. A responsible parent may request an administrative hearing upon service of the notice described in subsection 2. The request for hearing must be made in writing and must be received by the department within 20 days of service. The department shall conduct hearings under this subsection in accordance with the requirements of Title 5, chapter 375, subchapter IV. The issues that may be considered at the hearing are limited to whether the responsible parent is required to provide health care coverage for each dependent child, whether the responsible parent has received

payment from a 3rd party for health care costs incurred by each dependent child and paid for by the custodial parent, the department or another payor of public assistance and whether the responsible parent has reimbursed the custodial parent, the department or another payor of public assistance for the cost of care provided.

[PL 1997, c. 537, §44 (NEW); PL 1997, c. 537, §62 (AFF).]

6. Decision after hearing. The department shall issue a decision after hearing without undue delay as to whether the responsible parent is required to provide health care coverage for each dependent child, whether the responsible parent has received payment from a 3rd party for health care costs incurred by each dependent child and paid for by the custodial parent, the department or another payor of public assistance and whether the responsible parent has reimbursed the custodial parent, the department or another payor of public assistance, as applicable, for the cost of care provided. The decision must be based on the hearing record and rules adopted by the commissioner. The responsible parent must be informed of the right to file a petition for judicial review of the decision in Superior Court within 30 days of the date of the decision. The department shall send an attested copy of the decision to the responsible parent by regular mail to the responsible parent's most recent address of record. If the decision affects the rights of the custodial parent, the department shall send the custodial parent a copy of the decision, which must state the custodial parent's right to judicial review.

[PL 1997, c. 537, §44 (NEW); PL 1997, c. 537, §62 (AFF).]

7. Stay; collection. If a responsible parent requests a hearing in a timely manner, the department may not take collection action until a decision after hearing is issued or until the responsible parent abandons the request for a hearing. If a decision establishes that the custodial parent, the department or another payor of public assistance is entitled to reimbursement by the responsible parent, the department may begin collection 30 days after the decision is mailed to the responsible parent. If a responsible parent who is served notice under subsection 2 does not request a hearing in a timely manner, the department may begin collection of the amount claimed in the notice 30 days after the date of service.

[PL 1997, c. 537, §44 (NEW); PL 1997, c. 537, §62 (AFF).]

SECTION HISTORY

PL 1997, c. 537, §44 (NEW). PL 1997, c. 537, §62 (AFF).

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