

What is the National Medical Support Notice?

Federal regulations require all states to issue the National Medical Support Notice (NMSN) to employers in child support cases where the court has ordered the parent to provide health insurance coverage for his or her child(ren) through an employment-related plan. Effective April 2003, New Mexico also enacted a law requiring the use of the NMSN to enforce certain medical support orders (Section 40-4C, NMSA 1978). The NMSN is a standardized federal form that was developed using the model of the Federal Income Withholding Form. It is used by all state child support agencies to notify employers that an employee has a court order for medical support obligations. The NMSN requires employers to enroll the employee's child(ren) in the group health plan and withhold the amount of premiums from the employee's paycheck.

Is it the employer's responsibility to inform the employee that the NMSN was served?

No. This notice advises the employer of the obligation to enroll the minor child(ren) of the employee in the employer's health insurance plan. Upon request, the employer may provide the employee a copy of the NMSN.

If the employee requests an administrative review, can the enrollment process for the child(ren) be terminated?

No. The employer must continue to withhold premiums during the administrative review until the employer receives notice from the Child Support Enforcement Division that the contest has been resolved.



What is the correct action to take if the health plan has more than one option for medical coverage?

If a plan has more than one option for medical coverage and the employee is covered under the plan, the child(ren) are to be enrolled in the same plan as the employee. If the employee is not enrolled in a plan, promptly notify the Child Support Enforcement Division office at the address or phone number listed on the Notice. The agency will consult with the custodial parent to choose a plan. New Mexico law allows the child(ren) to be enrolled as an eligible dependent in an employment-related health insurance plan even if the employee is not enrolled. Because there is no insurance category for "dependents only," if the employee chooses to enroll just the child(ren), the plan is to charge the premium cost that would be charged if only the employee enrolled.

Is the employee's signature required to enroll the child(ren) in the health plan?

No. The employer is required to complete the applicable sections and forward the NMSN to the health care plan administrator within 20 business days, pursuant to New Mexico State rule 8.50.109 NMAC.

What is the maximum amount that can be withheld from an employee's wages or income?

New Mexico allows for a maximum withholding of support and health premiums at 50 percent of the employee's disposable weekly income. "Disposable" means the net income left after making mandatory deductions such as State, federal or local taxes, Social Security taxes, and Medicare taxes.

What if the employee doesn't earn enough in wages to pay both the child support and the insurance premiums without exceeding the 50 percent withholding limitation?

New Mexico law gives first priority to the collection of current support, second priority to health insurance premiums, and past due support last. If enrolling the child(ren) in the health insurance plan exceeds the limitation, return the Employer Response portion of the NMSN with number "4" selected. In New Mexico, health care enrollment will not occur in this situation. (Employers must follow the state laws of the employee's principal place of employment in prioritizing cash versus medical support limitations).

When will the employer know when to cease withholding premiums for a child?

The Child Support Enforcement Division will notify the employer when the employer is no longer obligated to withhold premiums for a child. Once a termination notice is received, the employer should consult with the employee to determine if he or she wants to voluntarily continue health care coverage for the child(ren).

What if the employee terminates employment after enrollment in the health insurance occurs?

If the employee terminates employment, the employer should return the Employer Response section of the NMSN to the Child Support Enforcement Division office indicating the termination date. No further premiums need to be submitted unless the employee wishes to enroll in the COBRA option.

Can an employer wait until the next open enrollment period to enroll the child(ren) specified in the NMSN?

No. All enrollments in the health plan are to be made without regard to open enrollment restrictions..



**New Mexico Human Services Department
Child Support Enforcement Division**



**Check us out on the Web at:
<https://elink.hsd.state.nm.us>**

The Human Services Department, Child Support Enforcement Division thanks you for helping to ensure that the children of New Mexico are financially and medically supported by their parents. Your cooperation makes a difference in children's lives and is appreciated.

For additional information, please contact:

**New Mexico Human Services Department
Child Support Enforcement Division
P.O. Box 25110
2009 South Pacheco, Pollon Plaza
Santa Fe, NM 87504
In-state: (800) 288-7207
Out-of-state: (800) 585-7631**

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An Employer's Guide

What if the employee reports that the child(ren) are covered by Medicaid or another state administered health insurance program?

The employer's responsibilities under the NMSN are not affected; they should proceed with the NMSN enrollment.

What if the employer does not now offer medical insurance, but is interested in finding out about coverage for employees through the New Mexico's Health Insurance Exchange?

Employers can learn about providing health insurance for their employees by calling 1-855-99-NMHIX or by visiting www.bewellnm.com.

What if the employee already has health insurance for the child(ren) through a local insurance company?

The employer must continue with the enrollment process until notified by the Child Support Enforcement Division that health care coverage enrollment of the child(ren) is not required. The employee must contact the Child Support Enforcement Division, who will require written verification of coverage.

Can the employer charge a processing fee to the employee for complying with the NMSN?

No. If the employer is complying with only a wage withholding for health insurance premiums, no fee may be assessed. In New Mexico, an employer is allowed to assess a \$1.00 processing fee per withholding for compliance with income withholding for child support payments.

What if an employer does not comply with the NMSN requirements?

Any employer who fails to comply with the NMSN requirements is in violation of New Mexico law and will face penalties as outlined in Section 40-4A-11 NMSA 1978.