

Michelle's Law

Public Law #: 110-381

Passed into Law: October 9, 2008

Michelle's Law - Amends the Employee Retirement Income Security Act of 1974 (ERISA), the Public Health Service Act, and the Internal Revenue Code to prohibit a group health plan from terminating coverage of a dependent child due to a medically necessary leave of absence from, or any other change in enrollment at, a postsecondary education institution that commences while such child is suffering from a serious illness or injury and that causes such child to lose student status for purposes of coverage under the plan, before the earlier of: (1) one year after the first day of the medically necessary leave of absence; or (2) the date on which such coverage would otherwise terminate under the terms of the plan.

Requires written certification by the child's treating physician. Directs group health plans to include notice of the terms of this Act with any notice regarding a requirement for certification of student status for coverage under the plan.

Provides that coverage under this Act continues in the manner in which the participant or beneficiary is covered under the plan changes so long as the change of coverage continues to provide coverage of beneficiaries as dependent children.