



## Ohio Administrative Code

### Rule 5101:12-57-10.4 Administrative mistake of fact hearing regarding the national medical support notice.

Effective: June 1, 2022

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(A) In accordance with section 3119.39 of the Revised Code, when a JFS 04036, "Notice of Medical Support Enforcement Activity" (effective or revised effective date as identified in rule 5101:12-57-99 of the Administrative Code), is issued and the health insurance obligor fails to make a timely request for an administrative hearing, the JFS 04036 becomes a final and enforceable determination of the child support enforcement agency (CSEA) that issued the JFS 04036.

(B) A health insurance obligor who receives an OMB 0970-0222, "National Medical Support Notice" (as referenced in rule 5101:12-57-99 of the Administrative Code) (NMSN), or a JFS 04036 may request an administrative mistake of fact hearing for any of the following reasons:

- (1) Error in the identity of the parties to the support order listed on the NMSN;
- (2) Error in the identity of one or more of the children listed on the NMSN;
- (3) The child support order authorizes the provision of health insurance coverage through an alternative group policy, contract, or plan and alternative coverage is in effect;
- (4) The coverage identified in the NMSN is not consistent with the medical support provision in the child support order, this includes assertions that the insurance is not reasonable in cost or that primary care services are not accessible; or
- (5) The child support order authorizes the provision of health care coverage through public health care and such coverage is in effect, as ordered.

(C) In accordance with section 3119.38 of the Revised Code, the health insurance obligor must file a written request for an administrative mistake of fact hearing with the CSEA that issued the notice not later than fourteen days after the date on which the JFS 04036 is issued.



(D) In accordance with section 3119.38 of the Revised Code, when the health insurance obligor makes a timely request for an administrative mistake of fact hearing, the CSEA shall:

(1) Conduct an administrative mistake of fact hearing not later than ten days after the date on which the health insurance obligor files the request for the administrative mistake of fact hearing; and

(2) Issue the JFS 03399, "Notice of Administrative Mistake of Fact Hearing" (effective or revised effective date as identified in rule 5101:12-57-99 of the Administrative Code), to the health insurance obligor and any other individual the CSEA determines appropriate not later than five days before the date on which the administrative mistake of fact hearing is to be conducted.

(E) In accordance with section 3119.41 of the Revised Code, when an administrative mistake of fact process is pending, the employer is required to continue the withholding of amounts for health insurance pursuant to the NMSN.

(F) In accordance with section 3119.38 of the Revised Code, at the administrative hearing, the CSEA shall determine whether there is a mistake of fact in the NMSN.

(G) After the hearing has been held, the CSEA shall issue the JFS 04037, "Medical Support Enforcement Administrative Mistake of Fact Hearing Decision" (effective or revised effective date as identified in rule 5101:12-57-99 of the Administrative Code), to the health insurance obligor. When the health insurance obligor is the non-custodial parent, the CSEA shall send a copy of the JFS 04037 to the custodial parent.

(H) In accordance with section 3119.41 of the Revised Code:

(1) When the CSEA determines that no mistake of fact exists, the NMSN shall remain in effect.

(2) When the CSEA determines that a mistake of fact does exist, the CSEA shall take whatever action is necessary regarding the NMSN which may include issuing a corrected NMSN or terminating the NMSN in accordance with rule 5101:12-57-10.6 of the Administrative Code.

(I) When an administrative mistake of fact hearing determines that the person named as the health



insurance obligor was named in error and premiums have been deducted, the CSEA shall not address the matter of reimbursement in the decision.

(J) In accordance with section 3119.38 of the Revised Code, the administrative mistake of fact hearing determination is final unless, within fourteen days after the CSEA issues the JFS 04037, the health insurance obligor files a written motion with the court of jurisdiction in the county in which the support order is administered for a hearing to determine whether there is still a mistake of fact in the NMSN.