

# Part 5

## Eligibility Criteria for Children

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# 41 Which children are eligible for the most comprehensive coverage: MassHealth Standard?

A child who receives SSI, TAFDC, EAEDC, or a child for whom an adoption subsidy or foster care assistance is paid is automatically eligible for MassHealth Standard. A youth in the custody of the Department of Children and Families on turning age 18 is eligible for MassHealth Standard, without regard to income, until age 21.

*See* 130 C.M.R. §§ 501.004 (TAFDC, EAEDC, and SSI), 522.003 (subsidized adoption/foster care), 505.002(K), 506.004(G) (youth aging out of DCF care).

A child is also eligible for MassHealth Standard if he or she meets the following criteria:

- n residence in Massachusetts,
- n U.S. citizenship, or
- n qualified or protected immigration status (see Part 13 for a definition of these terms).

## **Infants (under age 1)**

- n An infant born to a mother on MassHealth Standard or Limited is automatically eligible for MassHealth for one year from birth so long as the infant lives with the mother.
- n An infant born to a mother who was not on MassHealth, is eligible if gross family income does not exceed **200 percent of poverty**.
- n There is no asset test.

*See* 130 C.M.R. § 505.002(C).

## **Children, age 1–18 (under age 19)**

- n Gross family income does not exceed **150 percent of poverty**.

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n There is no asset test.

*See* 130 C.M.R. § 505.002.

**Special status and PRUCOL immigrant children:** Children who would meet all the eligibility criteria for MassHealth Standard but who are subject to the five-year bar or permanently residing in the United States under color of law (PRUCOL) are not eligible for MassHealth Standard. Instead of MassHealth Standard, these children will receive MassHealth Family Assistance, or, if a child is disabled, CommonHealth.

### **Children with disabilities, age zero–17 (Kaileigh Mulligan)**

The Kaileigh Mulligan program enables severely disabled children under the age of 18 to qualify for MassHealth Standard while living at home rather than in a medical institution by not counting the income and assets of their parents. Applicants for this program should use the S-MBR.

In order to be eligible for the Kaileigh Mulligan program, children must meet the following criteria:

- n either meet SSI disability standards or have been receiving SSI in 1996 and meet 1996 disability standards (see the Question below for more on the change in childhood disability criteria);
- n have \$2,000 or less in countable assets (not counting assets of the parents);
- n have a countable income of \$72.80 or less (not counting income of the parents), or meet a deductible/spenddown;
- n require a level of care equivalent to that provided in a hospital or nursing facility; and
- n have appropriate care outside an institution at an estimated cost no greater than the cost of institutional care.

*See* 130 C.M.R. § 519.007.

## 42 Which children with disabilities who do not qualify for MassHealth Standard are eligible for CommonHealth?

Disabled children ineligible for MassHealth Standard based on family income, disability, or immigration status, may be eligible for MassHealth under the more liberal criteria of CommonHealth. This is a particularly important source of benefits for disabled children who may be covered under a parent's employer-based health plan, but who need additional services that the private plan does not cover.

The following children who are not eligible for Standard are eligible for **CommonHealth**:

- n residents of Massachusetts;
  - n U.S. citizens; or
  - n noncitizens who are qualified, protected, special status, or PRUCOL (see Part 13 for an explanation of these terms); and
  - n children under age 19 who have a permanent and total disability (explained more fully below).
- n There is no income ceiling or asset test for children in CommonHealth.

**Family Assistance pending disability determination:** Children who meet the eligibility criteria for Family Assistance should be enrolled in MassHealth Family Assistance while the child's disability is being determined, and upgraded to CommonHealth if disability is established.

130 C.M.R. § 505.004.

## 43 What is the disability standard for children in CommonHealth?

Children under 18 must have a medically determinable impairment of comparable severity to an impairment that would disable an adult or of such severity that the child is unable to engage in age-appropriate activities, as defined in Title XVI (SSI) as in effect on July 1, 1996.<sup>5</sup> The disability must be expected to last 12 months or more or to result in death.

Individuals who are 18 are evaluated under the SSI disability standard for adults. Disability is established by

- n a determination of disability by the Social Security Administration (SSA);,
- n a certification of blindness by the Massachusetts Commission for the Blind;,  
or
- n a determination of disability by the MassHealth agency's contractor, the Disability Evaluation Services (DES)/Disability Determination Unit at the University of Massachusetts Medical School.

See 130 C.M.R. §§ 505.004(F), 501.001 (Definition of Permanent and Total Disability).

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<sup>5</sup> Every year since 1996, the Massachusetts legislature has adopted a budget proviso requiring the MassHealth agency to continue using the July 1996 SSI childhood disability standard. The 1996 standard is sometimes called the *Zebley* standard in reference to a U.S. Supreme Court case called *Zebley v. Sullivan*. The *Zebley* standard requires an individualized assessment of a child's functioning in different domains to determine disability. It is a more liberal standard of disability than the current SSI childhood disability standard. See 58 Fed. Reg. 47532 (1993) (*Zebley* standard).

## 44 Which children are eligible for MassHealth Standard/CommonHealth Premium Assistance?

Children who are eligible for MassHealth Standard or CommonHealth as explained above may also be eligible for reimbursement for the costs of private insurance. MassHealth Standard/CommonHealth Premium Assistance (MSCPA) reimburses members for the employee share of the premium for employer-sponsored insurance or other available insurance if it is cost-effective to do so. (It is the same program that used to be called the Health Insurance Premium Payment (HIPP) program.)

If a MassHealth Standard or CommonHealth recipient is insured or has access to insurance, the MassHealth agency will investigate the availability, coverage, and costs of insurance to determine if it is cost effective for the recipient to have both MassHealth Standard/CommonHealth and private insurance coverage. If it is cost effective, the agency may require recipients to enroll in the private plan as a condition of continuing to receive MassHealth Standard/CommonHealth. However, if the private plan will cost the recipient more than MassHealth for such charges as monthly premiums, coinsurance, deductibles, or copayments, the MassHealth agency must reimburse the eligible recipient for the added costs.

Eligible individuals will continue to have MassHealth Standard or CommonHealth to supplement the private insurance. Refusal to enroll after being notified to do so may result in termination for individuals other than pregnant women and children under 19. In some circumstances, the agency may directly enroll the family in the employers' plan.

If family coverage is cost-effective, premium assistance will also benefit family members otherwise ineligible for MassHealth who are included in the private family coverage plan. See Table 8 in Appendix B for the SFY 2009 premium assistance payment upper limits based on the cost effective amounts.

**Example:** Two children live with their mother who works and earns \$2,000 per month. The mother's employer offers a family health insurance plan, but it would cost her \$500 per month and she cannot afford it. The children are eligible for MassHealth Standard. Because the employer-sponsored plan will cost MassHealth less than the cost-effective amount for two children, the children are eligible for MassHealth Standard Premium Assistance. MassHealth will reimburse the family

\$500 for the added premium cost of the employer's family plan. Now the mother has insurance, and the children still have MassHealth Standard to cover items like dental care that may not be included in the private plan.

130 C.M.R. § 507.003.

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## 45 Which children are eligible for MassHealth Family Assistance?

There are two kinds of Family Assistance: Premium Assistance and Direct Coverage (the MassHealth agency calls the latter Purchased Coverage). Unlike MassHealth Standard and CommonHealth, in Family Assistance a person may get Premium Assistance or Direct Coverage but generally not both. With Premium Assistance, the MassHealth agency reimburses the family for most of the premium cost for employer-sponsored insurance for the child and other family members covered by the employer's family coverage policy. If employer-sponsored coverage is not available or is not cost-effective, a child can get MassHealth direct coverage but the family must pay a monthly premium to the state for coverage. The July 2006 expansion to higher income children added eligibility criteria designed to discourage families from dropping private insurance in order to obtain MassHealth. See Table 2, How Employer-Sponsored Insurance Affects Children's Eligibility for Family Assistance.

### Family Assistance Premium Assistance

Children not eligible for MassHealth Standard or CommonHealth who meet the following criteria are eligible for Family Assistance Premium Assistance to help reimburse the family for the costs of employer-sponsored insurance that covers the eligible children:<sup>6</sup>

n under age 19;

n residents of Massachusetts,

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<sup>6</sup> See Part 17 for more information on the costs to the family of Family Assistance Premium Assistance.

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- n U.S. citizens, or
- n noncitizens who are qualified, special status, or PRUCOL (see Part 13 for a definition of these terms);
- n gross family income does not exceed 300 percent of poverty for U.S. citizen or qualified noncitizen children, or 200 percent of poverty for noncitizen children who are special status or PRUCOL;
- n for children at or under 200 percent of poverty, insured or uninsured with access to employer-sponsored health insurance;
- n for children between 200 and 300 percent of poverty, not insured through employer sponsored insurance in the six months prior to application unless an exception applies (*see* 130 C.M.R. § 505.005(H));
- n Children from 201 to 300 percent of poverty who are ineligible for up to six months because of this requirement will still be eligible for primary and preventive care from the Children’s Medical Security Plan (CMSP) during their waiting period.
- n have access to employer-sponsored health insurance that meets the following criteria:
  - n is available through a member of the family group;
  - n the employer pays at least 50 percent of total premium costs;
  - n the benefits equal a “basic benefit level” defined at 130 C.M.R. § 501.001,<sup>7</sup> and
  - n the MassHealth agency determines that Premium Assistance is “cost effective” relative to the costs of Direct Coverage. See Table 8 in Appendix B for the current premium assistance upper payment limits based on the “cost effective” amounts.

**Example:** Assume the total premium cost for family coverage under an employer’s plan is \$800 per month, and the employer and employee each pay \$400. Premium assistance of \$400 will not be cost effective to MassHealth if there is only one eligible child in the family, but it will be cost effective if there are two or more eligible children in the family.

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<sup>7</sup> The basic benefit standard must satisfy the definition of “minimum creditable coverage” established by the Health Insurance Connector Authority at 956 C.M.R. § 5.00

n There is no asset test.

130 C.M.R. §§ 505.005(B), 505.005(H).

### **Family Assistance Direct Coverage**

Children not eligible for Family Assistance Premium Assistance because they do not have access to cost effective employer-sponsored health insurance are eligible for Family Assistance Direct Coverage if they meet the following criteria:

- n under age 19;
  - n Massachusetts residents,
  - n U.S. citizens, or
  - n noncitizens who are qualified, special status, or PRUCOL (see Part 13 for an explanation of these terms);
- n gross family income does not exceed 300 percent of poverty for U.S. citizen or qualified noncitizen children, or 200 percent of poverty for noncitizen children who are special status or PRUCOL; and
- n for children with family income over 200 percent but not over 300 percent of poverty, uninsured in the six months prior to application, unless one of the following exceptions applies:
  - n special or serious health care needs of child,
  - n prior coverage involuntarily terminated,
  - n loss of prior coverage due to death of parent,
  - n loss of prior coverage due to domestic violence,
  - n loss of prior coverage due to parent's self-employment, or
  - n exhaustion/reduction of lifetime benefits.
- n Children who are ineligible for up to six months because of this requirement will still be eligible for CMSP.
- n Children who are HIV positive with family income not in excess of 200 percent of poverty are eligible to have Family Assistance direct coverage as a supplement or "wraparound" to employer-sponsored health insurance.

**Part 5 n Eligibility Criteria for Children**

n There is no asset test.

130 C.M.R. § 505.005(E).

**Table 2: How Employer-Sponsored Insurance Affects Children’s Eligibility for Family Assistance**

<b>Insured Status</b>	<b>Eligible for Family Assistance Direct Coverage?</b>	<b>Eligible for Family Assistance Premium Assistance?</b>
<b>Insured at time of application and insurance meets criteria for Premium Assistance (PA)</b>	No*	Yes if under 201% FPL; No if over 200% FPL
<b>Insured at time of application and insurance does not meet criteria for PA</b>	No	No
<b>Uninsured with no access to insurance meeting criteria for PA and no insurance in past six months</b>	Yes if under 300% FPL	No
<b>Uninsured with no access to insurance meeting criteria for PA but insured in past six months</b>	Yes if under 201% FPL; No if over 200% FPL unless exception applies	No
<b>Uninsured with access to insurance that meets criteria for PA and no insurance in past six months</b>	No*	Yes
<b>Uninsured with access to insurance that meets criteria for PA but insured in past six months</b>	No*	Yes if under 201% FPL; No if over 200% FPL unless exception applies

\* Children who are HIV positive with income that does not exceed 200 percent of poverty may be eligible to receive both premium assistance and direct coverage.

## **46 Which children ineligible for other coverage due to immigration status are eligible for MassHealth Limited?**

Children who would qualify for MassHealth Standard based on their age and gross family income but are unable to document an eligible immigration status are eligible for emergency Medicaid through MassHealth Limited. These children are also eligible for health programs other than MassHealth that do not have eligibility rules related to citizenship or immigration status such as the Children’s Medical Security Plan (CMSP). The notice of decision will typically describe their benefits as CMSP Plus Limited. They will also be eligible for the Health Safety Net. See Part 19 for more on these programs.

130 C.M.R. §§ 505.008, 504.002(F).

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## **47 Can a child living on his or her own get MassHealth?**

Yes. There is no requirement that a child be living with a parent or caretaker relative in order to qualify for MassHealth; this is based on the definition of “Family Group” at 130 C.M.R. § 501.001. A child old enough to be living on his or her own should be able to file an application on his or her own. However, a child who is too young to be living independently, should have a responsible adult fill out the MBR as the child’s eligibility representative.

See G.L. c. 112, § 12F regarding the capacity of a minor to consent to medical treatment.

## **48** Can a high school student age 19 or older get MassHealth?

A high school student age 19 or older who is not working may qualify for MassHealth Essential as a long-term unemployed adult. If the high school student is working, but is not offered subsidized insurance at work, he or she may qualify for Commonwealth Care. The parents will not be included in the family group of a child age 19 or older, and the parents' income will not be counted against the child for either MassHealth or Commonwealth Care.

130 C.M.R. § 505.007 (MassHealth Essential).

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## **49** Can a college student get MassHealth?

It depends. College students are required to obtain qualifying student health insurance (QSHIP) from their college or university as a condition of enrolling in a Massachusetts institution of higher education or to have comparable coverage. MassHealth Basic, MassHealth Essential and Commonwealth Care all exclude college students eligible for QSHIP offered by the college or university they attend. However, college students may obtain MassHealth Standard or Family Assistance if they otherwise meet the eligibility requirements for coverage.

114.6 C.M.R. § 3.03(2) (QSHIP); 130 C.M.R. §§ 505.006 (MassHealth Basic), 505.007 (MassHealth Essential); 956 C.M.R. § 3.09 (Commonwealth Care).

## **50** What programs are available for children who do not qualify for MassHealth?

All uninsured children in Massachusetts have access to some kind of affordable primary and preventive care. Children in families with income over 300 percent of poverty, or children who are not eligible for MassHealth because of their immigration status have access to coverage through the Children's Medical Security Plan and the Health Safety Net. See Part 19, Health Programs Other than MassHealth.



# Part 6

## Eligibility Criteria for Pregnant Women

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## 51 Which pregnant women are eligible for MassHealth Standard?

Pregnant women who are Massachusetts residents and U.S. citizens or qualified noncitizens with gross family income that does not exceed 200 percent of poverty are eligible for **MassHealth Standard**. The fetus of a pregnant woman is counted in determining family size for purposes of income eligibility. Coverage continues throughout the pregnancy and for 60 days after the child's birth. If a mother is on MassHealth Standard or MassHealth Limited at the time the child is born, the infant will be automatically enrolled in MassHealth Standard. The hospital will send a notification of birth form to the MassHealth agency in order to automatically enroll the newborn.

**Example:** A single woman is pregnant with twins. Her income is compared to a family size of three to determine if she is financially eligible for MassHealth Standard.

130 C.M.R. § 505.002(E).

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## 52 Do assets count for pregnant women?

No. There is no asset test for pregnant women in MassHealth Standard, MassHealth Limited, or Healthy Start. Pregnant women are also exempt from premiums and copayments.

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## 53 What is MassHealth Prenatal?

MassHealth Prenatal is a temporary form of MassHealth that begins right away but only covers ambulatory prenatal care. A pregnant woman who submits a MassHealth application and whose self-declared family income does not exceed

200 percent of poverty is eligible for MassHealth Prenatal for up to 60 days while the agency is awaiting submission of required verification needed to make a formal eligibility determination: income, U.S. citizenship, or an eligible immigration status.

130 C.M.R. § 505.003.

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## 54 Which pregnant women are eligible for MassHealth Limited?

Pregnant women with gross family income up to 200 percent of poverty who would be eligible for MassHealth Standard but are noncitizens who do not document an eligible immigration status are eligible for emergency Medicaid under MassHealth Limited. Limited will cover labor and delivery costs but not prenatal care.

*See* 130 C.M.R. § 505.008.

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## 55 What programs cover prenatal care for pregnant women not eligible for MassHealth?

The **Healthy Start** program covers prenatal care and 60-day postpartum care for pregnant women with gross family income at or under 200 percent of poverty; the fetus counts in determining family size. There is no citizenship or immigration status requirement but women must be Massachusetts residents. Healthy Start uses the same application form as MassHealth. Women eligible for Healthy Start will also qualify for MassHealth Limited to cover the hospital charges for labor and delivery and for the Health Safety Net. See Part 19, Health Programs Other than MassHealth. Healthy Start receives federal funding from the T. XIX State Children's Health Insurance Program.

130 C.M.R. § 522.005.



# Part 7

## Eligibility Criteria for Parents and Caretaker Relatives

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## 56 Who is a parent or “caretaker relative”?

A parent may be a natural, step or adoptive parent living with a child under age 19. A caretaker relative is defined as an adult who is the primary caregiver for a child, is related to the child by blood, adoption, or marriage, or is a spouse or former spouse of one of those relatives, and lives in the same home as that child, provided that neither parent is in the home.

A parent living with a child under 19 must be included in the same family group as the child. However, a caretaker relative who does not want MassHealth for himself or herself can choose not to be included in the child’s household and to apply only on behalf of the child. A caretaker relative may not want to apply if he or she has income that would make the child ineligible or if the relative does not want to disclose his or her immigration status. However, a caretaker relative may be able to qualify for MassHealth as the member of an eligible group if he or she chooses to apply with the child.

**Unrelated caretakers:** A caretaker who is *not* a relative and has very low income may be able to qualify for EAEDC cash assistance from DTA which brings with it automatic MassHealth eligibility for the family.

130 C.M.R. § 501.001.

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## 57 Are parents and caretaker relatives eligible for MassHealth Standard?

Parents or caretaker relatives living with children under age 19 qualify for MassHealth Standard if:

- n they are Massachusetts residents;
- n they are U.S. citizens or qualified or protected noncitizens;
- n gross family income does not exceed 133 percent of poverty; or

## Part 7 n Eligibility Criteria for Parents and Caretaker Relatives

- n they receive TAFDC (DTA determines eligibility for TAFDC, and families automatically receive MassHealth Standard); or
- n they would have qualified for AFDC based on the eligibility rules in effect in July 1996.
  - n The 1996 welfare reform law restricted eligibility for cash welfare for families with children and linked Medicaid eligibility to pre-welfare reform standards rather than the new more restrictive standards. In MassHealth, the 133 percent of poverty income standard is much higher than 1996 AFDC standards, but reference to the 1996 standards is sometimes useful when a family has income from a source that is included under the MassHealth gross income test but would not have been included in AFDC.

130 C.M.R. § 505.002(D).

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## **58** When are parents eligible for other types of MassHealth?

MassHealth Standard is the only type of direct MassHealth coverage available to low-income individuals just because they are parents living with a child under age 19. However, adults may be eligible for other types of MassHealth regardless of whether or not they are parents if they are: disabled, HIV-positive, long-term unemployed or working for certain small employers in the Insurance Partnership. Also, parents who are not eligible for MassHealth based on income or immigration status may be eligible for Commonwealth Care. See Parts 8 and 9 for types of MassHealth available to people with disabilities and other adults, and Part 10 for Commonwealth Care.

## **59** When are parents eligible for Premium Assistance?

Premium Assistance reimburses a family for most of the employee's share of the premium cost of employer-sponsored family health insurance coverage. Parents may be eligible for premium assistance in their own right, or they may be the incidental beneficiaries of premium assistance for which their children are eligible.

In MassHealth, the income eligibility for children (300 percent of poverty) is much higher than the income eligibility for parents (133 percent of poverty). With direct MassHealth coverage, this often means eligible children have coverage and their parents have Commonwealth Care or only Health Safety Net. However, with Premium Assistance, the children and their parents can all be covered under the same family coverage plan offered through an employer.

Premium Assistance is available in most of the MassHealth coverage types. In MassHealth Standard and CommonHealth Premium Assistance (MSCPA), it supplements MassHealth direct coverage for those family members who are eligible for direct coverage, and is not limited to employer-subsidized insurance. See Part 5 for more about MSCPA. In Family Assistance Premium Assistance, it replaces direct coverage, see below.

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## **60** Are parents and caretaker relatives eligible for Family Assistance Premium Assistance?

In Family Assistance, either a family is reimbursed for most of the premium cost for employer-sponsored insurance or the child receives direct MassHealth coverage but, unlike MSCPA, an eligible person generally cannot receive both direct coverage *and* premium assistance.

A parent, just like a childless adult, may qualify for Family Assistance Premium Assistance in his or her own right if he or she is not eligible for MassHealth Standard or CommonHealth and is working for a qualified employer participating

in the Insurance Partnership. See Part 9 for the eligibility criteria for the Insurance Partnership. However, unlike a childless adult who will be charged a premium at the adult rate, a parent working for a qualified employer will be charged a premium only for his or her eligible children.

If the parent is not eligible for Family Assistance in his or her own right through the Insurance Partnership, the parent may still be able to benefit from premium assistance for family coverage through the eligibility of his or her child for Family Assistance. See Part 5, for a description of children eligible for Family Assistance Premium Assistance.

130 C.M.R. § 506.012.

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## **61 What benefits are available to parents ineligible for MassHealth Standard due to immigration status?**

As discussed above, if a child is eligible for Premium Assistance, the family coverage will benefit parents who may not themselves be eligible for MassHealth benefits. Also, immigrant parents who are special status or PRUCOL are not eligible for MassHealth Standard but may be able to qualify for Commonwealth Care. See Part 10.

Noncitizen parents or caretaker relatives who would qualify for MassHealth Standard but who cannot document an eligible immigration status are eligible for emergency Medicaid through MassHealth Limited and the Health Safety Net. See 130 C.M.R. § 505.008.

## **62 For what programs other than MassHealth are parents eligible?**

Parents with income under 300 percent of poverty who are not offered subsidized insurance by their employers may be eligible for subsidized insurance through the Commonwealth Care program. Parents eligible for unemployment compensation may be eligible for health coverage under the Medical Security Plan administered by the Division of Unemployment Assistance. Parents may also be eligible for the Health Safety Net. For more information on these programs, see Part 19, Health Programs Other than MassHealth, and Part 10, Commonwealth Care.