

MassHealth

Advocacy Guide

*An Advocates Guide to the
Massachusetts Medicaid Program*

Vicky Pulos
Massachusetts Law Reform Institute

2012 Edition

© 2012 by Massachusetts Law Reform Institute and Massachusetts Continuing
Legal Education, Inc.
All rights reserved.

Permission to reprint must be obtained from both the Massachusetts Law Reform
Institute and Massachusetts Continuing Legal Education, Inc.

Library of Congress Card Number: 2012935192
ISBN: 1-57589-709-1
2120492B06

MassHealth Advocacy Guide

About MLRI

The Massachusetts Law Reform Institute is a statewide legal advocacy and support center. Our mission is to represent low-income people, disabled people and elders in their struggle for basic human needs, to defend against policies and actions that harm and marginalize people living in poverty, and to advocate for systemic reforms that achieve social and economic justice. Our activities include advice, litigation, policy analysis, research, technical assistance and public information.

Acknowledgments

MLRI thanks the many health care advocates in Massachusetts who work to preserve and protect access to health care for low-income people. Thanks also to the colleagues who reviewed one or more sections of this Guide and to MCLE for editing and preparing the Guide for publication.

This Guide was written by Victoria Pulos of Massachusetts Law Reform Institute.

Note on scope of Guide: A detailed description of the financial eligibility rules for nursing facility care is beyond the scope of this Guide. For more information on this topic, see *Estate Planning for the Aging or Incapacitated Client in Massachusetts* (MCLE, Inc. 4th ed. 2012).

Table of Contents

Part 1	Overview of MassHealth.....	1
1.	What is MassHealth?	2
2.	Medicaid reform in Massachusetts	3
3.	The 2006 state health reform law and the individual mandate	4
4.	The main types of MassHealth coverage	4
	Table 1: Numbers Enrolled on November 30, 2011.....	6
	Figure 1: Enrollment in Commonwealth Care & MassHealth.....	6
5.	How MassHealth is administered	6
6.	How to obtain MassHealth or Commonwealth Care	8
7.	The role of advocates	8
8.	Sources of information for advocates	9
9.	Summary of the main types of MassHealth coverage	10
	Summary 1: MassHealth Standard.....	10
	Summary 2: CommonHealth.....	13
	Summary 3: Family Assistance.....	14
	Summary 4: MassHealth Basic.....	16
	Summary 5: MassHealth Essential.....	18
	Summary 6: Commonwealth Care.....	19
Part 2	Massachusetts Residence	21
10.	Does an applicant have to live in Massachusetts in order to get MassHealth?.....	22
11.	Can an immigrant still be a “resident” of Massachusetts?.....	22
12.	How long must the applicant have resided in Massachusetts?	23
13.	How is residence verified?.....	23
14.	What is the residence of someone who is homeless?	23
Part 3	Relationship Between MassHealth Eligibility and Receipt of Cash Assistance.....	25
15.	Do you have to receive cash assistance to be eligible for MassHealth?.....	26
16.	Which cash assistance recipients are eligible for MassHealth?.....	26
17.	Who is eligible for EAEDC?	27
18.	When are former recipients of SSI eligible for MassHealth?.....	28
19.	When are recipients of refugee resettlement assistance eligible for MassHealth? 31	
Part 4	Application and Eligibility Determination	33
20.	How do people apply for MassHealth & Commonwealth Care?	34
21.	Who must be included in the application?.....	35

22.	What kind of proof must be sent in to complete the Medicaid reform application?	37
23.	What is acceptable proof of U.S. citizenship and identity?	38
24.	What is acceptable proof of an eligible immigration status?	39
25.	What is presumptive eligibility for pregnant women, children, and people who are HIV positive?	40
26.	What additional information may be required prior to a favorable decision?	40
27.	When will applicants hear whether they are eligible?	41
28.	When will benefits begin under Medicaid reform?	42
29.	When will an applicant get a MassHealth card?	42
30.	What is a temporary MassHealth card?	43
31.	How do people age 65 and over in traditional Medicaid apply for MassHealth?	43
32.	Who can apply on behalf of someone else?	44
33.	What kind of proof must be sent in along with the traditional application form?	44
34.	When will a traditional applicant hear if he or she is eligible?	45
35.	When will traditional benefits begin?	46
36.	How long will someone remain eligible for MassHealth?	46
37.	What happens to MassHealth when cash welfare recipients lose cash benefits?	47
38.	What are extended or transitional benefits?	47
39.	What happens when extended or transitional benefits end?	49
40.	How often will the MassHealth agency review eligibility?	49

Part 5 Eligibility Criteria for Children.....51

41.	Which children are eligible for the most comprehensive coverage: MassHealth Standard?	52
42.	Which children with disabilities who do not qualify for MassHealth Standard are eligible for CommonHealth?	53
43.	What is the disability standard for children in CommonHealth?	54
44.	Which children are eligible for MassHealth Standard/CommonHealth Premium Assistance?	55
45.	Which children are eligible for MassHealth Family Assistance?	56
	Table 2: How Employer-Sponsored Insurance Affects Children’s Eligibility for Family Assistance.....	60
46.	Which children ineligible for other coverage due to immigration status are eligible for MassHealth Limited?	61
47.	Can a child living on his or her own get MassHealth?	61
48.	Can a high school student age 19 or older get MassHealth?	62
49.	Can a college student get MassHealth?	62
50.	What programs are available for children who do not qualify for MassHealth? ...	63

Part 6	Eligibility Criteria for Pregnant Women.....	65
51.	Which pregnant women are eligible for MassHealth Standard?	66
52.	Do assets count for pregnant women?	66
53.	What is MassHealth Prenatal?	67
54.	Which pregnant women are eligible for MassHealth Limited?	67
55.	What programs cover prenatal care for pregnant women not eligible for MassHealth?	67
Part 7	Eligibility Criteria for Parents and Caretaker Relatives	69
56.	Who is a parent or “caretaker relative”?	70
57.	Are parents and caretaker relatives eligible for MassHealth Standard?	70
58.	When are parents eligible for other types of MassHealth?	71
59.	When are parents eligible for Premium Assistance?	72
60.	Are parents and caretaker relatives eligible for Family Assistance Premium Assistance?	72
61.	What benefits are available to parents ineligible for MassHealth Standard due to immigration status?	73
62.	For what programs other than MassHealth are parents eligible?	73
Part 8	Eligibility Criteria for Disabled Adults Ages 18–64	75
63.	Which adults with disabilities can get the most comprehensive coverage— MassHealth Standard?	76
64.	What is the disability test for adults?	77
65.	Who makes the determination as to an adult’s disability?	77
66.	Which adults with disabilities who are not eligible for MassHealth Standard can get CommonHealth?	78
67.	What is the one-time deductible?	78
68.	What are CommonHealth eligibility criteria for working disabled adults?	79
69.	What are the CommonHealth eligibility criteria for 18-year-olds?	80
70.	What are the disability standards for adults ages 18–64 in CommonHealth?	80
71.	Which adults ages 18–64 with disabilities get MassHealth Basic/Essential or Commonwealth Care?	81
72.	What MassHealth coverage is available for women with breast or cervical cancer?	82
73.	What other programs are available for people with disabilities?	83
Part 9	Eligibility Criteria for Other Adults Under Age 65.....	85
74.	Which other adults under age 65 can get MassHealth?	86
75.	What are the eligibility requirements for individuals who are HIV positive?	86
76.	Can other adults get MassHealth premium assistance to pay for employer-sponsored insurance?	87
77.	What is a “qualified employer”?	89

78.	What is the Insurance Partnership program?	89
79.	What is the difference between Family Assistance Premium Assistance and Commonwealth Care for self-employed adults?	90
80.	Which unemployed adults are eligible for MassHealth Basic?	90
81.	Which unemployed adults are eligible for MassHealth Essential?.....	91
82.	How do MassHealth Basic and MassHealth Essential differ?.....	93
83.	Which childless adult refugees are eligible for MassHealth Standard?.....	93
84.	What is EAEDC?	94
85.	What other programs are available for adults who are not eligible for MassHealth?	94
Part 10	Eligibility Criteria for Uninsured Adults in Commonwealth Care	95
86.	Which uninsured adults are eligible for Commonwealth Care?	96
87.	How is Commonwealth Care administered?.....	97
88.	What benefit are available in Commonwealth Care?	98
89.	How are services delivered in Commonwealth Care?	99
90.	How much does Commonwealth Care cost?	100
91.	When does coverage begin in Commonwealth Care?	102
92.	How does Commonwealth Care determine that an applicant is uninsured?.....	103
93.	How do you resolve disputes in Commonwealth Care?	105
94.	What happens if a person cannot afford the premiums in Commonwealth Care?.....	106
95.	What are appeal rights in Commonwealth Care?	108
Part 11	Eligibility Criteria for Adults Age 65 and Over	111
96.	Which people age 65 or over are eligible for MassHealth Standard?.....	112
97.	What Medicaid protections apply to seniors who no longer receive SSI?	113
98.	Which people age 65 or over can get CommonHealth?	113
99.	When are people age 65 and over eligible for MassHealth Essential?.....	113
100.	Which people age 65 or over can get MassHealth Limited?	114
101.	How can people age 65 or over get MassHealth Standard if their incomes or assets exceed the limits?	115
102.	What are Home and Community-Based Services Waivers?.....	115
103.	What is the PACE program?.....	116
104.	When are seniors covered by the more generous eligibility rules under Medicaid reform?.....	117
105.	What are the eligibility rules if a senior is a nursing home resident?.....	118
106.	What Medicare costs does MassHealth cover?	118
107.	What are the Medicare Savings Programs?	119
108.	What other programs are available to seniors who do not qualify for MassHealth?	120

Part 12	Financial Eligibility	123
109.	What are the criteria for financial eligibility?.....	124
110.	Whose income counts under Medicaid reform?	124
111.	What counts as income under Medicaid reform?	125
112.	What does not count as income under Medicaid reform?.....	126
113.	How is monthly income determined?	127
114.	Do assets matter under Medicaid reform?	128
115.	How is the CommonHealth one-time deductible calculated for disabled adults?.....	128
	Table 3: CommonHealth Income Standard Used to Calculate the Deductible.....	129
116.	How does someone meet the deductible?	129
117.	What are the financial eligibility rules for traditional Medicaid?.....	131
118.	Whose income counts in traditional Medicaid?.....	132
119.	What deductions are allowed for community residents in traditional Medicaid?.....	132
120.	What income is not counted in traditional Medicaid?	133
121.	What is the income limit for community residents 65 and over?	134
122.	What is the asset limit for traditional Medicaid?	134
123.	What assets do not count for community residents age 65 and over?	135
124.	How can seniors with excess income become eligible?	136
	Table 4: MassHealth Income Standard Used to Calculate the Deductible for Seniors.....	137
125.	How is the senior deductible different from the CommonHealth deductible?	137
126.	What expenses can be used to meet the deductible?.....	138
127.	How does the asset spenddown work?.....	138
128.	What are the financial eligibility rules for nursing home residents?	139
129.	What are the rules if one spouse is in a nursing home and one is at home?.....	140
130.	What are the transfer of asset rules?	141
Part 13	Eligibility Rules About Citizenship and Immigration Status	143
131.	How does citizenship affect eligibility for MassHealth?.....	144
132.	Which noncitizens are “qualified aliens” eligible for <i>all</i> MassHealth coverage types (including long-term institutional care)?.....	145
133.	Which noncitizens are “protected aliens” eligible for <i>all</i> MassHealth coverage types (including long-term institutional care)?.....	147
134.	Which noncitizens are “special status or PRUCOL aliens” eligible for only some MassHealth coverage types or Commonwealth Care?	147
135.	How does one prove an eligible immigration status?	149
136.	What MassHealth coverage is available to noncitizens who are not documented?	150
137.	What other health programs are available to nonqualified immigrants?	150

138.	Will an immigrant who receives MassHealth be a public charge or face other immigration problems?.....	151
139.	What services are available for people who have limited English proficiency?.....	153
Part 14	Other Eligibility Rules	155
140.	Does someone have to have a Social Security number to get MassHealth?.....	156
141.	What does it mean when the application says applicants have to assign rights to medical support and third-party payments?.....	156
142.	What can be done when pursuing medical support may lead to domestic violence?	157
143.	What does it mean when the application says applicants have to assign rights to third-party recoveries?	158
144.	When does someone with MassHealth have to maintain other available health insurance?.....	158
Part 15	Covered Services.....	161
145.	What services does MassHealth cover?.....	163
146.	What sources describe the services covered in MassHealth?	163
147.	What services are covered by MassHealth Standard?	164
148.	What is covered by CommonHealth?	165
149.	What is covered by Family Assistance Premium Assistance?.....	165
150.	What is covered by Family Assistance Direct Coverage?	166
151.	What is covered by MassHealth Basic?.....	166
152.	What coverage is available to recipients of EAEDC prior to enrollment into MassHealth Basic?.....	167
153.	What is covered by MassHealth Essential?	167
154.	What is covered by MassHealth Limited?	168
155.	What is covered by MassHealth Prenatal?.....	169
156.	What additional services are available to seniors and certain individuals with disabilities?	170
157.	What additional services and benefits are available for children under EPSDT?	170
158.	What additional services are available to children with serious emotional disturbances or with autism?.....	171
159.	What dental services are available in MassHealth?	173
160.	When is a service medically necessary?	173
161.	When does a service require prior authorization?.....	174
162.	What are the time limits for the MassHealth agency to give prior authorization?.....	175
163.	What can be done if prior authorization is denied?	176
164.	When are out-of-state services covered?	176

165.	How does MassHealth help with transportation?	177
166.	What is the MassHealth drug list?	178
167.	How has drug coverage changed for people with both MassHealth and Medicare?.....	179
168.	What benefits are available to help people quit smoking?	180
169.	What happens if someone needs to go into a nursing home?	181
170.	What can be done if a needed service is denied or not covered?.....	182
171.	How can upgrading MassHealth coverage help get additional services?.....	183
172.	How can EPSDT help a child get additional services?.....	183
173.	How can someone get services as a reasonable accommodation of a disability?	184
174.	How can someone get additional services through the prior authorization process?.....	185
175.	How can federal Medicaid law expand state limitations on services?.....	185
Part 16	Service Delivery	187
176.	What is fee-for-service?	188
177.	What is managed care?	188
178.	Which MassHealth members are required to use Managed Care?	189
179.	What kind of managed care choices do MassHealth members have?	190
180.	Which MCOs and SCOs currently participate in MassHealth?.....	191
181.	What services are not delivered by the MassHealth MCOs?.....	192
182.	What providers are in the PCC Plan?	192
183.	Is a referral from the PCC needed for every type of service?.....	193
184.	Which MassHealth coverage types use primarily fee-for-service?	193
185.	How does someone decide on a PCC versus an MCO?.....	193
186.	If a member is assigned to a plan and wishes to change, can he or she do so? ...	194
187.	How long will it take to enroll in managed care in MassHealth Basic and Essential?.....	194
188.	How are mental health services delivered in MassHealth Managed Care?	195
189.	How does managed care work for the homeless?.....	196
190.	What can be done if a MassHealth MCO, SCO or the Partnership refuses a needed service?	196
191.	What can be done to find a provider who accepts MassHealth?	197
192.	Can a provider legally choose not to accept a new MassHealth patient?	197
193.	How are bills paid if someone has health insurance and MassHealth?	198
Part 17	Premiums and Cost-Sharing	201
194.	How much does it cost to get MassHealth?	202
195.	How much does MassHealth Standard cost?	202
196.	How much does Family Assistance for Children cost?	202
197.	How much does MassHealth for HIV-positive adults cost?.....	203

198.	How much does MassHealth Family Assistance for employees in the Insurance Partnership cost?.....	204
199.	How does Family Assistance work if an applicant is self-employed?	205
200.	How much does CommonHealth cost?.....	206
201.	What happens if family members are in programs with different premium charges?.....	206
202.	What happens if someone misses a premium payment?.....	207
203.	What are the grounds for a MassHealth hardship premium waiver?.....	208
204.	Can providers who accept MassHealth still send members bills?	209
205.	How much are the copayments in MassHealth?	209
206.	What happens if someone cannot afford the copayment?	210
207.	Who is exempt from copayments?.....	211
208.	Which services do not require a copayment?	212
209.	Will MassHealth members ever have to pay back MassHealth benefits?	212
Part 18	Notice and Appeal Rights	215
210.	When should MassHealth members get a notice from the MassHealth agency?	216
211.	What role does MassHealth play in Commonwealth Care appeals?	216
212.	What types of actions are appealable?	217
213.	When are decisions of a provider appealable?.....	218
214.	How does someone appeal?.....	219
215.	Can benefits continue while waiting for the appeal to be heard?	219
216.	How much advance notice will be given for a fair hearing?	220
217.	Where do fair hearings take place?.....	220
218.	Who will be present at the hearing?.....	220
219.	How does the appellant prepare for a hearing?.....	221
220.	Is there a chance that the appeal can be resolved without a hearing?.....	222
221.	What happens at the hearing?	222
222.	How long will it take to get a decision?.....	223
223.	Do MassHealth members have to file a grievance with the Partnership, MCO, or SCO before requesting a fair hearing?	223
224.	If a MassHealth member wins an appeal, can he or she get back the money spent on care?.....	224
225.	What happens if a MassHealth member loses an appeal?	225
Part 19	Health Programs Other than MassHealth.....	227
226.	Where can information on health programs be found?.....	228
227.	What is the Health Safety Net?.....	228
228.	What is the Children’s Medical Security Plan?	231
229.	What is the Healthy Start Program?.....	232
230.	What is the Medical Security Plan?.....	232

231.	What is the Prescription Advantage Program?	233
232.	What is the Massachusetts Home Care Program?	234
233.	What health services are available to veterans and military families?	235
234.	What health services are available to college students?	236
235.	What is the Fishing Partnership?	237
Part 20	Sources of Additional Information	239
236.	Office of Medicaid	240
237.	Other Useful Telephone Numbers	242
238.	Legal Citations and References	244
239.	Other Sources	245
240.	Websites	246
241.	Legal Services Offices	251
Appendix A MassHealth Eligibility Checklist		253
Appendix B Tables		261
	Table 5: Financial Eligibility by Poverty Level and Eligible Group in MassHealth	262
	Table 6: MassHealth Income Standards	263
	Table 7: Eligibility for MassHealth Coverage Types and Commonwealth Care	265
	Table 8: MassHealth Premium Assistance Upper Payment Limits, July 1, 2011 to June 30, 2012	266
	Table 9: Commonwealth Care Plans, Benefits and Copayments	267
	Table 10: Immigrant Eligibility for MassHealth	270
	Table 11: Immigrant Eligibility for Commonwealth Care	271
	Table 12: Key to Employment Authorization Document (Form I-688B or I-766)	272
	Table 13: Permanently Residing Under Color of Law (PRUCOL)	274
	Table 14: Key to Selected Codes on Permanent Resident Cards	276
	Table 15: Key to Selected Codes on Arrival/Departure Record (I-94 Card)	277
	Table 16: Other Documentary Evidence of Immigration Status	278
	Table 17: Services Included in MassHealth by Coverage Type and in Commonwealth Care	279
	Table 18: Monthly Premium Charges in MassHealth and Commonwealth Care, July 1, 2011 to June 30, 2012	282
Index		283