



## Frequently Asked Questions about the Medical Security Program

The following questions & answers were gleaned from discussions at Community Partners' January 2009 Health Access Network meetings in Amherst and Boston. On January 9, we heard from attorney Nic Mazanec, as well as paralegal Wendy Kane of Western Massachusetts Legal Services. On January 22, we heard from attorney Monica Halas of Greater Boston Legal Services. *This does not constitute legal advice.*

### What is the Medical Security Program (MSP)?

The Medical Security Program is health insurance for individuals eligible to collect unemployment insurance (UI) benefits and for their families. It is funded by an assessment of \$16.80 per employee per year on employers employing 6 or more employees and is administered by the state's unemployment agency, the Division of Unemployment Assistance (DUA). The MSP offers two plans:

**Premium Assistance Plan** – If you had health insurance before you lost your job, and you can continue that coverage, MSP will reimburse up to 80% of the premium you pay, up to \$440/mo for an individual and \$1080 for a family plan. This amount is adjusted yearly on July 1<sup>st</sup>.

**Direct Coverage Plan** – If you don't have health coverage you can continue, or if it is a hardship for you to continue your prior coverage, MSP offers direct coverage for you and your family through Blue Cross Blue Shield. Although there are no premiums, there are co-pays and deductibles for some services; a hardship waiver is available for those who qualify. MSP benefits end 7 days after your UI claim week end date or after you otherwise are no longer eligible.

### How to apply for the MSP

Once you file a claim for UI, DUA will automatically send you an MSP application. However, as there are currently delays in applying due to the unprecedented volume of UI claims, you should call the MSP Customer Service number for an application at 1-800-908-8801 (TTY/TDD at 1-800-522-1254) between 8:30 and 4:30 Monday through Friday. You can also download an MSP application from the DUA website at [www.mass.gov/dua/msp](http://www.mass.gov/dua/msp). The application itself is available at: [http://www.mass.gov/Elwd/docs/dua/2161\\_app\\_508.pdf](http://www.mass.gov/Elwd/docs/dua/2161_app_508.pdf). Be sure and submit all of the information requested in the application, including information about your employers for the last 6 months and information from your spouse's employers for the last 6 months, along with

the last 4 paystubs from each employer or a letter from each employer verifying your spouse's earnings, plus any income verification necessary to support a claim for hardship. Health insurance coverage under MSP goes back to the date that a completed MSP application is received, so it is important to send in the application with all of the requested information as quickly as possible.

## Basic eligibility

### **What are the eligibility requirements for MSP?**

There are five basic requirements: (1) You must be a Massachusetts resident; (2) You must be determined eligible to receive UI (including federal UI extensions); (3) You must have worked in whole or in part for a Massachusetts employer; (4) You must meet the income guidelines; and (5) You must not be eligible for health insurance under another family member's plan.

### **What are the income guidelines?**

DUA adds up a family's actual income in the 6 months before the MSP application and its projected income for the next 6 months. This total "annualized income" can't be more than 400% of the Federal Poverty Guidelines. Income earned by dependent children is not counted. The MSP income guidelines are available at [www.mass.gov/dua/msp/](http://www.mass.gov/dua/msp/) (NOTE: The Massachusetts Law Reform Institute has just released a [chart with 2009 income standards](#) (PDF) for many health-related benefit programs, including MSP. Look for the "400%" column on page 2.)

### **Can I still get MSP if I have turned down continuing group health insurance from my employer known as COBRA?**

Yes! You may still be eligible for Direct Coverage, or for help from Premium Assistance, to pay for a plan that you purchased before applying for UI.

### **Can I get MSP if I am eligible for UI, but not receiving any benefits?**

Yes. If you are eligible for UI, but you have so many deductions from your check (such as recovery of prior erroneous UI payments, withholding of child support obligations or other withholdings) that it has no value, you are still eligible for MSP. What matters to MSP is that you are currently *determined eligible* for unemployment.

### **What if I go back on unemployment after working for awhile?**

If you are off UI for less than 90 days, then once your UI benefits are reinstated, you can also reinstate your MSP benefits without reapplying. However, if you stop receiving UI for more than 90 days, you will have to reapply for the Medical Security Program once your UI resumes. Once again, apply for MSP as soon as possible so that your health coverage will go back to the new date of application. Update: The federal government has just extended UI benefits; people receiving extended benefits will not have to file a new application unless 90 days has gone by since their termination date. Claimants filing a new benefit year claim could be re-enrolled.

## Benefits for families

### **Are my family members also eligible for MSP while I am collecting unemployment?**

Yes, but in order to be eligible for a family plan from MSP, nobody else in the family can have health insurance (unless they are receiving continuing coverage from a prior employer through COBRA, which does not count). The spouse or child of the unemployed applicant who qualifies for dependent status for federal income tax purposes, or for whom a court support order has or could be issued under Massachusetts law, is considered part of the unemployed person's family (or "contract unit").

### **Does MSP offer equal benefits to all families, including same-sex households?**

MSP is a state plan, not a federal plan, so it uses the same definition of a spouse as the state of Massachusetts. It does not discriminate against same-sex marriages.

### **What if a household includes both employed and unemployed people?**

MSP uses an estimate of the entire household income to determine eligibility. They add up a family's gross income in the 6 months before the MSP application and its projected income for the next 6 months. (For the employed spouse, the average weekly wage of the prior 6 months is multiplied by 26; for the unemployed spouse, his or her projected weekly UI check is multiplied by 26.) The income of dependent children is not included. This total "annualized income" cannot exceed 400% of the Federal Poverty Guidelines.

### **What about individuals who are under a court order to provide child support and insurance to children? How do they fill out the application? Do they include the children in the application?**

If the claimant is under a court order, the children who live in Massachusetts can be covered under MSP. If the children live out of state, only emergency room visits would be covered. The claimant must list the children on the application and answer all questions.

## Handling denials

### **What if I'm denied MSP benefits?**

You have the right to appeal a denial of MSP benefits. If you are low-income, you may be eligible for help from legal services in filing that appeal. For a listing of legal services programs in your area, go to [www.masslegalhelp.org](http://www.masslegalhelp.org). You may also apply for Commonwealth Care. Because Commonwealth Care is not normally available to people collecting UI, you will need to send a copy of your MSP denial notice to: Commonwealth Care, Attn: MSP Denials, P.O. Box 9212, Chelsea, MA, 02150. Once that is processed, you may be re-determined eligible for Commonwealth Care.

### **How long does it take to appeal a UI denial?**

It is currently taking up to 6 months, and sometimes longer, for an appeal to be decided. A client will only get retroactive coverage from MSP if and when the unemployment claim is approved. If it seems like a tricky case—for example, the client technically quit the job—[contact legal](#)

[services](#) for help filing the initial claim. There are ways to present the case clearly up front. Legal Services offices also represent claimants denied UI on appeal. Once a UI denial has been reversed, immediately apply for MSP.

**If I was initially denied UI, but I won the appeal, what happens to the health care bills I got while I was waiting for my MSP coverage to start?**

If you are initially denied UI but appeal that decision and win benefits, MSP will reimburse you for any out-of-pocket medical costs you incurred while you should have been collecting UI. Make sure you keep a copy of all of your bills. Contact the Medical Security office at 1-800-908-8801. If you need further assistance, contact Health Care For All's Helpline at (800)272-4232.

## Seasonal, on-call, and temporary workers

**What about people who go on and off UI because their work is sporadic?**

MSP coverage terminates 7 days after the week ending date of your UI. Workers who have sporadic or seasonal work schedules may be bounced back and forth between MSP and Commonwealth Care so frequently that there is never actually time for coverage to take effect. People who are stuck in this kind of situation can [get help from legal services](#) with filing the appropriate appeals. One client was able to obtain steady Commonwealth Care coverage with help from WMLS. Also: during the coverage gaps, you may be able to access some services through the Health Safety Net at a hospital or community health center.

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## Affordability

**What if I am eligible for continued health insurance from my prior employer, but I can't afford to pay the premium costs up front?**

Even though continuing health insurance is available to you, you may still enroll in Direct Coverage instead by proving one of the following hardships: (1) Your actual family income for the next four weeks will be 200% of the Federal Poverty Level (PDF) or less; (2) The cost of your premiums, after the MSP reimbursements are deducted, will be 7% or more of your actual and available gross family income; or (3) Your financial resources are depleted – or are expected to become depleted – because you have to pay for necessary goods and services such as housing, food, heat, clothing, medicine, and transportation costs. You can also enroll in Direct Coverage rather than Premium Assistance if your ability to exercise your option to continue your prior coverage with your employer is no longer available because more than 60 days have passed – for

example, if you were initially denied UI, and by the time you finally got approved, more than two months had elapsed since you left your job.

## MSP meets Commonwealth Care

### **If I have Commonwealth Care and lose my job, can't I just stay on Commonwealth Care?**

It's unlikely: individuals receiving UI are considered ineligible for Commonwealth Care. Even if you do not inform Commonwealth Care of your change in status, they are able to access information about members on UI and may terminate your coverage. Many people lose months of health coverage as they switch back and forth between Commonwealth Care and MSP. People who are stuck in this kind of situation can [get help from legal services](#) with filing the appropriate appeals. One client was able to obtain steady Commonwealth Care coverage with help from WMLS. Also: during the coverage gaps, you may be able to access some services through the Health Safety Net at a hospital or community health center.

### **How long will it take to get back on Commonwealth Care after my MSP coverage ends?**

There is no expedited process to re-instate previous Commonwealth Care members who switched to MSP while unemployed. Although MSP can end during any week of the month, depending on when your UI ends, Commonwealth Care coverage does not begin until the first of the month following enrollment. Also, in instances where monthly premiums are required, if you have not paid the premium by the 25<sup>th</sup> of the month of enrollment, you must wait yet another month for coverage to begin. Therefore, you should anticipate a gap in coverage when switching from MSP to Commonwealth Care. An [outreach worker](#) can help speed up the process by submitting an electronic application on your behalf. Once you are found eligible, your Commonwealth Care coverage will start on the first of the month after you have enrolled in a plan and paid your premium. During the coverage gap, you may be able to access some services through the Health Safety Net at a hospital or community health center.

Note: Health Care for All is trying to remedy this inequity through advocacy with the Connector and also through legislation. If you have a coverage gap, contact their Helpline at (800) 272-4232

### **If I'm over-income for MSP, should I assume I'm not eligible for Commonwealth Care either?**

Not necessarily. MSP and Commonwealth Care determine income using different formulas. If you are denied MSP, you can apply for Commonwealth Care. Because Commonwealth Care is not normally available to people collecting unemployment, you will need to send a copy of your MSP denial notice to: Commonwealth Care, Attn: MSP Denials, P.O. Box 9212, Chelsea, MA, 02150. Once that is processed, you may be re-determined eligible for Commonwealth Care.