



FAQs: Student Health Insurance Program (SHIP) and COVID-19 May 23, 2020

Under 956 CMR 8.00, institutions of higher education, referred to as Schools in this Frequently Asked Questions (FAQ) document, in Massachusetts are required to offer a Student Health Insurance Program (SHIP) to Students, and Students must either enroll in the SHIP or provide proof of comparable coverage. Due to the COVID-19 pandemic, some Schools are considering expanding remote coursework beginning in Academic Year (AY) 2020-2021, as well as arrangements to support graduating Students. These FAQs aim to help stakeholders understand options for Schools that are consistent with SHIP regulatory requirements as stakeholders consider the impact of a transition to remote learning or post-graduation arrangements on SHIP offerings and enrollment.

Q1: Will a School continue to be required to offer a SHIP for AY 2020-2021 if it moves to fully remote learning?

Yes; the transition to remote learning would not change a School's requirement to make a SHIP available. See 956 CMR 8.03.

Q2: The SHIP regulations at 956 CMR 8.02 define "Student" as "A Full-time or Part-time Student enrolled in a degree-granting program at a School who is not enrolled exclusively in online courses and whose enrollment does not consist entirely of Short-term Courses." If Students participate in AY 2020-2021 classes remotely due to COVID-19, will they be considered "Students" under the Massachusetts SHIP regulations?

Yes; so long as those individuals otherwise meet the definition of a Full-time or Part-time Student under 956 CMR 8.01, they will be considered a "Student" under the regulations and would need to either enroll or waive out of the SHIP by demonstrating comparable coverage. Individuals who are in programs that are, by design, entirely remote and for whom COVID-19 is not the cause for their taking exclusively online courses, will continue to not be "Students" under the regulations, and therefore do not need to demonstrate enrollment in comparable coverage in order to waive the SHIP. The Health Connector encourages Schools to extend additional flexibility to Students who are attending class remotely due to COVID-19, as further detailed in Question 3.

Q3: If a School receives a waiver from a Student who is participating in AY 2020-2021 classes remotely due to COVID-19, how should that School assess whether that Student has provided evidence of comparable coverage?

The Health Connector strongly encourages Schools to provide flexibility for Students who are learning remotely due to COVID-19 by permitting waivers where Students have comparable coverage in the location where they are currently participating in remote classes, including other states or countries.

The regulations provide that a Health Benefit Plan submitted by a Student to waive the SHIP constitutes "comparable coverage" so long as it provides for: (1) "reasonably comprehensive coverage of health services, including preventive and primary care, Emergency Services, surgical services, hospitalization benefits, ambulatory patient services, mental health services, and prescription drugs"; and (2) access to those covered services is "reasonably accessible to the Student in the area where the Student attends School." See 956 CMR 8.05(2)(a). The Health Connector notes that for the purposes of a Student



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participating in classes remotely for any term of AY 2020-2021 due to COVID-19, the “area where the Student attends School” is the location where the Student is currently remotely attending classes for the relevant term. See 956 CMR 8.05 (2)(c)(3). In addition, the Health Connector reminds Schools that they may waive participation in SHIP if the Student is studying in a foreign country and the Student has coverage in that foreign location. See 956 CMR 8.05 (2)(c)(2).

In light of this interpretation, the Health Connector strongly encourages Schools to review their waiver processes to ensure that Students may waive SHIP coverage if they have comparable coverage such as out-of-state Medicaid, out-of-state Exchange Marketplace coverage (*i.e.*, Qualified Health Plans), out-of-state employer sponsored insurance (*e.g.*, HMO, PPO, POS), or foreign health coverage.

If a Student waives participation in SHIP for the fall term but returns to campus for the next term, the School must reevaluate the Student’s waiver. If the coverage with which the Student initially waived is no longer considered comparable coverage in the location of the School, the School must require the Student to enroll in the SHIP. If a Student returns to campus in the middle of a term, a School is encouraged to reevaluate the Student’s waiver mid-term and offer the Student the opportunity to enroll in the SHIP at a pro-rated premium.

Q4: Some Schools have already opened their SHIP waiver processes for the upcoming academic year. If a School decides to move to remote-only learning, or if a Student decides to access courses remotely, after Students have already enrolled in the SHIP, should Students be allowed a SHIP premium refund?

The Health Connector strongly encourages Schools to work with their health insurance carriers and Third-Party Administrators to ensure they can timely disenroll individuals from the SHIP if Students have comparable coverage as defined in Question 3. To avoid undue operational complexity associated with disenrollment requests after SHIP coverage has begun for the academic year, the Health Connector urges Schools to offer an additional opportunity for Students to waive their SHIP.

Q5: Some Schools are considering whether SHIP enrollment can be extended beyond the term of its expiration for Students who have just graduated. Are these extensions of SHIP coverage permissible?

The Health Connector’s regulations at 956 CMR 8.00 only describe the obligation for Schools to offer a SHIP, and for Students to either enroll in the SHIP or waive the SHIP by demonstrating they have comparable coverage. To the degree Schools have questions about who may validly be considered eligible to enroll in the SHIP, the Health Connector encourages Schools to work with their health insurance carriers, Third-Party Administrators, and the Division of Insurance (as applicable) to ensure that enrollment flexibility and extension of coverage modifications are permitted and, if so, are clearly explained in SHIP evidences of coverage, are available according to clear and consistently applied standards across all eligible newly graduated students, and remain consistent with applicable state law and federal requirements, including 45 CFR § 147.145.