

# Aging out of child services

# 7

## Overview

**A**s your child gets older, it is important to be aware that family health insurance will not cover your child once he or she reaches a certain age and/or no longer meets the definition of “dependent.”

For the purposes of this chapter, we will use the following terms to help make the discussion more clear:

- *Minor child*: a person under the age of 18
- *Adult child*: a person age 18 or over
- *Dependent child*: a person who fits the criteria for dependence established by the Internal Revenue Service and adopted by insurance companies. A “dependent child” must be:
  - under the age of 19 (or 24, if the child is a full-time student) or earning less than \$3200/year
  - your son, daughter, stepson, stepdaughter, or adopted child
  - receiving over half of his or her total financial support during the year from you

In general, minor children who are covered by private health insurance receive this coverage because at least one of their parents has family coverage. But under Massachusetts state law, *private* health insurers providing family policies are at most required to provide coverage for your child through age 25. Children covered by *public* insurance (MassHealth) generally stop receiving services and benefits between the ages of 18–22, depending on the program.

This process—when a teenager or young adult becomes too old to receive children’s services and/or family insurance coverage—is commonly referred to as “aging out” of services or coverage.

Family insurance plans provide health coverage under one policy for couples or couples with dependent children. The premiums for a family plan are higher than those for an individual plan, but the per-person cost is lower because the plan covers two or more people. However, if your child is aging out of child services and/or family plan coverage, he or she will have to seek separate services and/or insurance coverage as an adult.

For example, many young adults obtain their own private health insurance policies, on their own and/or through an employer. Some state-sponsored insurance programs are also available to adults. A person who qualified for public health coverage as a minor child due to a disability may also qualify for services as a disabled adult, but adults must meet a different standard. The standard applied to adults to determine whether they qualify as disabled focuses on the ability to work rather than on the ability to learn.

This chapter offers an introduction to what happens—in terms of mental health services—when your child “ages out.” You will find information about private insurance coverage, public insurance coverage, and mental health services provided by the state for disabled adults.

No matter what options you and/or your child choose to pursue when he or she ages out of child services or coverage, remember to plan ahead for this event. By being prepared, you may be able to explore more options—and you will help make the transition smoother for the entire family.

**Key issues  
for everyone  
to consider**

## **1. Cut-off ages and loss of insurance**

If your child (before “aging out”) has been covered by a private health insurance policy or a public health insurance program, he or she faces the loss of this insurance coverage when transitioning to adulthood.

- Until recently, a *private* health insurance policy governed by Massachusetts state insurance laws was required to cover your dependent child (as defined earlier in this chapter) up until **age 19**. However, this cut-off age has changed due to new health reform laws in Massachusetts. Now, many private health insurance policies will cover a dependent child up to and including **age 25** (or for two years following that child’s loss of dependent status). Please see the private insurance section of this chapter for information about the options that may be available to your child as he or she reaches adulthood.
- The majority of the *public* health insurance plans in Massachusetts that apply to dependent children are MassHealth plans. To participate in one of these plans, your child must qualify for assistance based on age and the family’s income or on his or her eligibility for coverage as a person with a disability. In general, a child covered by a MassHealth family plan based on age/income will lose benefits at **age 19**. However, any person who meets adult eligibility standards for coverage (for example, as an adult with a disability) will continue to receive MassHealth benefits after age 19.
- Children who are either aging out of foster care or are otherwise in the care and custody of the Department of Children and Families at age 18 continue to be eligible for MassHealth coverage until **age 21**.
- It is important to remember that your child can seek his or her own insurance coverage—private or public—as an adult. These options are discussed below.

### **Advocacy Tip**

*Try to view the question of disability as one of eligibility for services or coverage, rather than as a negative statement about your child’s capabilities.*

## 2. Legal changes when your child turns 18

Once your child turns 18, he or she is officially an adult in the eyes of the law—and this means that all of his or her medical information will now be shared with your child but not necessarily with you. In addition, unless you or another adult has been appointed as your child’s legal guardian, he or she will be able to make his or her own decisions about whether to seek mental health care and/or coverage. Your adult child will also be responsible for deciding to apply for programs and signing his or her own applications. He or she will also have the legal right to manage his or her medications and treatment, including any hospitalization.

It is possible that you will lose some or all control over your child’s health care once he or she becomes an adult. You may want to discuss this change with your child as he or she approaches the age of 18.

If your adult child chooses, he or she may consent to your participation in health care decisions. For example, he or she may grant you access to medical records or may obtain your assistance in filling out an application. However, unless you have been appointed as your child’s legal guardian by a probate court, your child would need to complete a consent form for you to get his or her health information from doctors, hospitals, insurers, or others.

### Advocacy Tip

*It is important for young adults to be involved in their own care, and you may have to accept it if your adult child elects not to pursue all available services.*

### 3. Services based on disability after age 18

In Massachusetts, a person who qualifies for a program based on a finding of disability has a broader range of health care options than those who do not qualify. But every program has its own definition of “disability”—and no two definitions are exactly the same. Your minor child may qualify as “disabled” and receive services while under the age of 18 yet may lose the same program’s services after age 18 because eligibility is determined by a different definition of “disability.”

For example, a child who was found to be disabled (before age 18) due to a learning disability may be found not to be disabled after age 18—because he or she is not functionally disabled and can hold down certain jobs. This can happen even if your child’s abilities and needs are exactly the same after age 18 as they were before age 18. For many families, this can be a very frustrating experience.

A person who qualifies as disabled may receive some or all of the following health insurance benefits:

- Access to public health insurance (MassHealth) options even after the typical cut-off age of 19 (please see the discussion of this later in the chapter); these insurance options may be less expensive and more comprehensive than the available private insurance options
- Continuation of private health insurance coverage under the Mental Health Parity Law, which requires private health insurers to continue coverage for a disabled child who has reached the cut-off age but is receiving treatment for an ongoing condition

In some cases, a parent may feel that a child (whether young or adult) is not disabled at all—yet this child may in fact meet the eligibility standard for one of these programs and therefore qualify for services or coverage. In other cases, a parent may feel that a child does in fact have a disability—yet this child's condition might not satisfy the eligibility standard. It is important to keep in mind that a person may qualify as disabled in a variety of ways and that different plans and programs have different eligibility standards.

#### **4. Planning ahead**

No matter what your situation is, you will need to plan ahead for ways to cope with the health care changes that will occur as your child ages out. It is important to be aware of the cut-off age your child is facing as well as the fact that he or she—at age 18—will have more control over his or her own health care.

Planning ahead also includes examining the coverage your child has now, exploring the options he or she has for coverage as an adult, working with your child's school system to ease the transition to adulthood, and working with your child's providers to make sure that his or her medical record is detailed and complete.

**Your child's  
insurance  
options after  
age 18**

## **1. Private insurance**

### *Keeping your child on your insurance plan*

As mentioned earlier, if a parent has private family health insurance, this policy covers dependent children. However, the family policy generally will not cover your child once he or she is no longer considered dependent as defined by law.

Most people with private health insurance have group coverage through an employer. People in smaller groups may sometimes pay higher premiums. Group coverage through an employer is usually either *fully insured* or *self-insured*.

### **Advocacy Tip**

*Be sure to check with your employer to see what kind of insurance plan you have—fully insured or self-insured.*

#### ***Fully-insured group health insurance***

- Purchased by your employer through a large insurance company or an HMO
- Governed by Massachusetts state insurance laws
- Dependent children are now covered up through age 25
- No required coverage for a child beyond age 25

### *Self-insured group health insurance*

- An internal insurance plan established by your employer for only its own employees
- Governed exclusively by federal law (The Employee Retirement Income Security Act of 1974, or ERISA), which means no additional state law coverage applies
- Coverage for dependent children depends on your specific plan alone
- Be sure to check the plan or ask your employer about the cut-off age for dependent children

### *COBRA coverage after a child's coverage has ended*

- The Consolidated Omnibus Budget Reconciliation Act (COBRA) applies if your child has been covered by a group health insurance plan offered through an employer
- Employer has to offer 18 months of COBRA coverage, dating from when group plan coverage ended
- You will be responsible for the full cost of the COBRA coverage, without assistance from the employer
- Government employers and religious organizations do not have to provide COBRA coverage, but most state and federal employers offer a similar kind of temporary continuing insurance coverage

### *Insurance for full-time college students*

If your child is attending or about to attend a college or university in Massachusetts, state law requires that your child have health insurance. (This is true in many other states as well.) To accomplish this, you can purchase individual insurance for your child, keep your child on your own family policy (if you have one) as described above, or purchase insurance through the college. An insurance plan offered through the college might be the least expensive option; however, it is important to keep in mind that this plan might provide only limited coverage for mental health services.

It is also important to know that health insurance policies that provide coverage for a college student require the student to be attending school full time in order to receive benefits. This can sometimes pose a challenge when a student has a mental illness or an emotional problem that may keep him or her out of school for a period of time. If your child takes a leave of absence from school and the insurer refuses to continue health coverage for him or her, you should consider appealing the insurer's decision. The question of how an insurer should define "full-time student" in these circumstances has not yet been settled by law.

### *Insurance for full- or part-time employees*

If your adult child is employed, he or she may be able to obtain health insurance through the employer. In most cases, employers offer a group health insurance plan that is more affordable than individual health insurance.

#### **Advocacy Tip**

*Coverage issues are complicated. If you run into trouble with your employer's coverage when your child gets sick, you will probably need expert help.*

### *Individual insurance options in general*

If your adult child is not able to join a group health insurance plan through an employer (and if he or she is not able to get insurance coverage through a family plan), the remaining option is to purchase individual health insurance. Some of the major insurance companies offer insurance plans designed for young people who need individual insurance. These plans are less expensive and more flexible than traditional individual plans, making insurance more accessible to people who do not have coverage through an employer or a group plan.

### **Advocacy Tip**

*If you or your child is considering the new individual health plans, be sure to review your options and choose a plan that meets your needs for mental health coverage.*

### *Additional insurance options under Massachusetts health reform law*

Under the new health reform laws in Massachusetts, new kinds of individual health plans are now available. An agency has been established—the Commonwealth Health Insurance Connector, known as “the Connector”—to help uninsured people learn about and buy affordable health insurance plans. For more information about this, you can visit [www.mass.gov/connector](http://www.mass.gov/connector).

### **Advocacy Tip**

*As the new health reform laws in Massachusetts are implemented, more changes continue to take place. You can stay up to date by periodically visiting the Health Care For All website ([www.hcfama.org/act](http://www.hcfama.org/act)) and the Connector website ([www.mass.gov/connector](http://www.mass.gov/connector)).*

- The new laws establish subsidized insurance plans—called “Commonwealth Care” plans—for people with low income (this may include your adult child if he or she is unable to work on a steady basis yet does not qualify as disabled).
- The new laws also establish low-cost insurance plans—called “Commonwealth Choice” plans—one of which is for people ages 19–26 and may be of interest to you and your child. However, some of these plans are designed for healthy young adults and not for people who are chronically ill or disabled.
- In addition, it is important to know that the new laws require *everyone* over age 18 to have an approved form of health insurance coverage. If you are without health insurance, this may be a violation of the law and may result in a tax penalty.

## 2. Public insurance: MassHealth

### *Disability-based MassHealth coverage*

Our state is one of the most generous in the nation when it comes to providing insurance coverage for people with disabilities. MassHealth offers coverage through several of its programs for an individual who has been determined disabled by the state or the Social Security Administration. These programs are: Standard, CommonHealth, and Basic. (Please see Chapter 3 for more details about MassHealth programs.)

### *MassHealth and Supplemental Security Income (SSI)*

Any child or adult who receives SSI automatically qualifies for MassHealth coverage. It is important to realize, as discussed earlier, that the disability standard applied to minors is different from the disability standard applied to adults. Your child may meet the disability standard as a minor, but this could change during his or her SSI case review at **age 18**, when the adult standard (ability to work, rather than ability to learn) will be applied.

For more information, you can visit the following websites:

[www.socialsecurity.gov](http://www.socialsecurity.gov)

[www.masslegalservices.org](http://www.masslegalservices.org) (click on “disability”)

[www.pathwaystocoverage.org](http://www.pathwaystocoverage.org)

[www.mass.gov/mashealth](http://www.mass.gov/mashealth)

### *Non-disability-based MassHealth coverage: Essential or Basic*

In Massachusetts, there are two state-sponsored insurance programs that might provide coverage for your adult child if he or she is unemployed, even if he or she does not qualify as disabled. In order to receive benefits under either of these programs, a person must:

- Be long-term unemployed (more than a year) and not eligible for unemployment insurance (having earned \$3,000 or more during the base period)
- Have an income (if any) that is below the federal poverty line
- Have no access to other health insurance, including programs offered by colleges

**MassHealth Essential** provides coverage for unemployed adults under the age of 65 who are *not* receiving services from the Department of Mental Health. This program covers 22 services, including doctor appointments and hospitalization.

**MassHealth Basic** provides coverage for unemployed adults under the age of 65 who are receiving services from the Department of Mental Health or who are receiving cash assistance from EAEDC (Emergency Aid to Elders, Disabled, and Children). This program covers 30 services and is more extensive than Essential.

## Services from state agencies

If your adult child's mental health situation makes it difficult for him or her to maintain steady employment, one of these MassHealth plans might be appropriate. For more information, you can visit the following website:

[www.mass.gov/masshealth](http://www.mass.gov/masshealth)

If your minor child has been receiving services from a state agency, it is important to check and see if there is a cut-off age for those services. Once you know how long your child will continue to receive services, you can plan ahead and/or investigate whether new services might be available to your child as an adult.

The following state agencies do *not* offer services to adults:

- Special Education: Services end when a person graduates from high school or at **age 22**
- Department of Children and Families (DCF; formerly known as Department of Social Services or DSS): Services end when a person reaches **age 18** unless that person elects to receive services for another 1–2 years on a voluntary basis
- Department of Youth Services (DYS): Services end when a person reaches **age 18**

The following state agencies offering services to children *also* offer services to adults who meet eligibility standards:

- Department of Public Health (DPH): Services are generally not age-dependent; care coordinators provided up to age 21
- Department of Mental Health (DMH): Services are generally not age-dependent; transition age defined as 16–25
- Department of Mental Retardation (DMR): Transition to adult services upon high school graduation and/or at age 22

## Advocacy Tip

*As the new health reforms are implemented, changes are continuing to take place in state programs, so you may want to keep checking with them about services and eligibility.*

**Note** that the services available to adults through these state agencies may be different from the services available to minor children.

For more information about all of these state agencies, please visit their websites:

Special Education: [www.doe.mass.edu/sped](http://www.doe.mass.edu/sped)

DCF: [www.mass.gov/dcf](http://www.mass.gov/dcf)

DYS: [www.mass.gov/dys](http://www.mass.gov/dys)

DPH: [www.mass.gov/dph](http://www.mass.gov/dph)

DMH: [www.mass.gov/dmh](http://www.mass.gov/dmh)

DMR: [www.mass.gov/dmr](http://www.mass.gov/dmr)

### Summary and things to remember

As your child approaches adulthood, he or she will begin shouldering more responsibility and relying less on you. However, you will continue to play a central role at this time—particularly if your child needs mental health care.

The most important thing you can do for your child at this point is to help him or her achieve a smoother transition by planning ahead. As a family, you can work together to identify the health care services and coverage that will work best for your child as an adult. Try to make sure that your child is well-equipped to enter the next stage of life—and that he or she will be able to get as much care and support as possible.