

MEDICARE SPOUSAL PROTECTIONS

This guidance addresses the spousal protections of Medicare, the federal health insurance program for adults 65 and older, as well as for certain younger people with disabilities. Several aspects of Medicare are implicated by whether a person is married, including eligibility based on a spouse's work history, premium amounts, and enrollment penalties and exemptions related to remaining on a spouse's private health plan. Access to these Medicare protections was blocked or affected by the federal Defense of Marriage Act (DOMA). Now that DOMA has been declared unconstitutional by the United States Supreme Court, this guidance summarizes the benefits, who qualifies, special concerns, and how to apply.

For more information, visit the federal Medicare website www.medicare.gov and the Social Security Administration's Medicare page www.ssa.gov/pgm/medicare.htm

INTRODUCTION TO MEDICARE BENEFITS AND WHO MAY BE CONSIDERED A SPOUSE

Medicare is a federal health insurance program designed to help senior citizens and those with certain disabilities with the costs of health care. It has four major components:

- Medicare Part A - hospital insurance, covering inpatient stays in hospitals, skilled nursing facilities, and hospice care, and some types of home health care.
- Medicare Part B - medical insurance, covering medically necessary doctors' services and outpatient care, medical supplies, and preventive services. (Together, Parts A & B are known as "Original Medicare.")
- Medicare Part C - Medicare Advantage Plans, which are private health plans that contract with Medicare to provide both Part A and Part B benefits, as well as, most often, prescription drug coverage.
- Medicare Part D - prescription drug coverage added to Original Medicare, as well as to some types of Part C plans with no drug coverage.

For most people, becoming eligible for Medicare is as simple as turning 65 years old, but other aspects of the program – requirements and amounts of premiums, eligibility for certain types of plans, and timing for enrollment, among them – may turn on your work history, your access to other health care, your health status, and your income. In some situations, having a spouse alters the way you access these benefits. This publication is designed to address those circumstances.

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Who is considered a spouse for purpose of Medicare?

The definition of spouse for purposes of Medicare is tied to the same definitions for purposes of Social Security. A person is a spouse for purposes of Medicare if:

- She/he is validly married under the law of the state where she/he lives at the time of filing for benefits; or
- She/he has the same rights as a husband or wife for purposes of the distribution of intestate personal property under the laws of the state where she/he lives at the time of filing for benefits.

See Social Security Administration Program Operations System Manual





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