



**How DV Advocates Can Help Survivors Get Health Insurance**  
**[Revised: October 2017]**

The Affordable Care Act (ACA) makes high-quality affordable health insurance widely available, and people who have experience domestic or intimate partner violence (DV/IPV) will be able to get insurance that covers comprehensive medical and behavioral health benefits.

Domestic violence advocates are encouraged to help get victims enrolled in health insurance.

**What can I do?**

DV advocates play an important role in encouraging people to apply for health insurance coverage.

Recently, the federal government slashed funding for outreach efforts. As a result, it is critically important that advocates educate their clients about Open Enrollment.

**What should I say?**

Explain why health insurance is important and that it can help pay for needed medical and behavioral health services. All health plans must cover a package of core preventive health services. This includes primary and emergency care, as well as behavioral and mental health services, substance use services and screening and brief counseling for DV/IPV.

Having health insurance will make these services more affordable and available. And financial help is available to make purchasing health insurance more affordable.

**Key Dates**

Open Enrollment starts on November 1, 2017.

Open Enrollment ends on December 15, 2017.

During Open Enrollment, [eligible individuals](#) can shop for health insurance coverage for themselves and their family through their state's Health Insurance Marketplace. People who are already covered by a Marketplace plan will also be able to renew or change their plan.

Coverage purchased during Open Enrollment will begin on January 1, 2017.

For some families and children, comprehensive coverage may be available through Medicaid or the Children's Health Insurance Program (CHIP). Under the ACA's "no wrong door" policy, families can submit just one Marketplace application to determine whether

they are eligible for Medicaid/CHIP or subsidized private coverage. There is no Open Enrollment period for Medicaid and CHIP; these programs accept applications year-round.

### **What do I do if someone wants to apply?**

A great place to start is [healthcare.gov](https://www.healthcare.gov). [Healthcare.gov](https://www.healthcare.gov) will ask what state you live in, and either starts the application or links you to your state's Insurance Marketplace.

Every state has a network of free in-person “assisters” who are trained to help people through the application process. There are special rules to help some victims of domestic violence during the application process; these assisters will understand how to help navigate the enrollment process.

For a full list of assisters near you, go to [localhelp.healthcare.gov](https://www.localhelp.healthcare.gov). Look at the list, talk to local health centers or hospitals, or talk to other providers. Build a relationship with an assister to whom you can refer clients who may need help with the application process.

### **What do survivors, in particular, need to know?**

Most people who purchase coverage in the Insurance Marketplace will be offered a significant discount on the cost of buying health insurance. This financial help is available on a sliding scale based on income and family size. People apply for financial help after answering questions as part of the Marketplace application, *and there are special rules for some survivors of domestic violence to get as much help as they can.*

If you are married filing jointly and your spouse can buy family insurance through their job that meets the ACA criteria for “[affordability](#),” you as an individual are not eligible to get financial help to purchase insurance on the Marketplace. This is true even if the spouse refuses to cover the victim.

If you are legally married but if you have separated from an abusive spouse, you may be eligible for financial assistance to help pay for a Marketplace plan.

Some families may qualify for coverage through Medicaid based on their income, family size, and the state they live in. Medicaid offers comprehensive medical and behavioral health services, including benefits that are so important for survivors. There is no Open Enrollment for Medicaid—enrollment is year-round.

### **What are the special Marketplace enrollment rules for survivors?**

The IRS recently [finalized](#) regulations creating an exception that allows married survivors of domestic violence who are not living with their spouse to apply for coverage on their own *and receive financial assistance based solely on their own income*. To do this, they will need to check that they are “unmarried” on their [healthcare.gov](https://www.healthcare.gov) application. At tax time, the individual must attest that he or she qualifies for this exception by checking a box on [IRS Form 8962](#). No documentation will be necessary to prove DV. Additionally, although married couples must generally file taxes jointly in order to be eligible for financial assistance, married survivors of domestic violence may file separately and still receive assistance. The IRS and HHS have published guidance on this for victims of domestic violence.

Encourage clients to call the toll-free Call Center (1-800-318-2596) or refer them to local assisters who are trained to help consumers through the enrollment process. A good place to start: <https://localhelp.healthcare.gov/>. These trained assisters will help consumers file the application appropriately. This can not be done online at healthcare.gov.

### **Who can qualify to purchase health insurance in the Marketplace?**

Almost everyone can buy insurance in the Marketplace. Undocumented immigrants may not purchase coverage for themselves in the Marketplace, but they may purchase insurance on behalf of documented individuals. [Lawfully present immigrants](#) (including those subject to the 5-year bar) may buy insurance on the Marketplace and receive financial assistance—even if their income is below 100% FPL.

### **What happens when Open Enrollment ends?**

After Open Enrollment ends, it is generally not possible to sign up for a new health insurance plan on the Marketplace. However, there are certain “life events” that can trigger a [Special Enrollment Period](#) (SEP). Survivors of Domestic Violence may [purchase](#) health insurance at any point during the year by starting a new application with the Call Center and asking for a Special Enrollment Period. They must say that they are a “victim of domestic violence.” This is done through self-attestation and no documentation is needed to prove domestic violence. The consumer must enroll in coverage within 60 days after the SEP is granted. This SEP is only available to consumers who are already enrolled in minimum essential coverage.

Medicaid enrollment is year-round and anyone who may be eligible for coverage through Medicaid should submit an application.

### **Are there special rules for Members of Tribes?**

The special IRS tax filing rules for married survivors of domestic violence apply to Native Americans as well. Additionally, Native Americans may [enroll](#) in coverage through the Marketplace at any time during the year, and need not wait for Open Enrollment or a Special Enrollment Period. They may also change plans at any time during the year, up to once a month.

Members of federally recognized Tribes are also eligible to apply for an exemption from the tax penalty for being uninsured. However, to access this exemption, individuals must file the necessary paperwork. The application can be found on healthcare.gov or on your state’s Insurance Marketplace website.

### **What happens to people who don’t buy insurance?**

There is a penalty, assessed on your taxes, for not having health insurance.

Victims of DV can apply for an exemption from this penalty. It’s called a Hardship Exemption and requires no documentation to prove DV. Individuals can claim a Hardship Exemption by applying directly to the Marketplace; if the Marketplace grants the exemption, the consumer will receive a notice with a certificate number. The certificate number must be entered on [IRS Form 8965](#), which is filed at tax time.

The exemption application can be found at [healthcare.gov](https://www.healthcare.gov) or on your state's Insurance Marketplace website.