

(1) Election of Waiver of Participation. An institution of higher education may elect to allow full-time and part-time students to waive participation in a qualifying student health insurance program. The institution must require students waiving participation to (1) certify, in writing, at least annually, as part of the institution's usual registration process that they are participating in a health benefit plan with comparable coverage and (2) to provide documentation of such coverage.

(2) Comparable Coverage

(a) Coverage under a health benefit plan is comparable if:

1. the health benefit plan provides to the student throughout the school year reasonably comprehensive coverage of health services, including preventive and primary care, emergency services, surgical services, hospitalization benefits, ambulatory patient services, and mental health services; and
2. the services covered under the health benefit plan are reasonably accessible to the student in the area where the student attends school

(b) An institution of higher education may waive participation for students enrolled in MassHealth.

(c) An institution of higher education may not waive participation for

1. students determined to be Low Income Patients for Services Eligible for Payment from the Uncompensated Care Pool; or
2. students with coverage from insurance carriers outside the U.S. and coverage by foreign National Health Service programs. These insurance plans are deemed not to be comparable to coverage under a qualifying student health insurance program; or
3. students with a health insurance plan that provides coverage through a closed network of providers, not reasonably accessible in the area where the student attends school, for all but emergency services.

(d) It is the responsibility of the student seeking to waive participation in a qualifying student health insurance program – not the institution of higher education in which the student is enrolled – to determine whether the student's health benefit plan has coverage comparable to the coverage offered under a qualifying student health insurance program.

(3) Written Waiver Request. An institution of higher education electing to allow students to waive participation in a qualifying student health insurance program must obtain from each student a written waiver request. The waiver request must be on a form supplied by the institution, and may be submitted electronically. The waiver request must contain, at a minimum, the following information:

- (a) the name of the entity offering the health benefit plan;
- (b) the policy or other number used to identify the student's participation in the health benefit plan;
- (c) the subscriber or primary enrollee in the health benefit plan and the relationship of that person to the student.
- (d) a statement certifying that the coverage under the health benefit plan is comparable to coverage under a qualifying student health insurance program and that the student understands that once a waiver request is submitted, the student will be responsible for his/her medical expenses, and neither the institution of higher education nor the qualifying student health insurance program will be responsible for those expenses.
- (e) a signature of the student and the student's parent or guardian if the student is a minor. An institution of higher education may accept electronic waiver forms and electronic signatures.

(4) Documentation of Insurance. In addition to a written waiver request, an institution of higher education must obtain documentation of the student's insurance status, including but not limited to, a copy of the student's insurance card or insurance policy. The institution of higher education has no affirmative obligation to compare coverage of the two plans. If an institution of higher education relies in good faith on the statements by a student that the coverage is comparable, the institution is not liable for any penalty or for any failure to comply with a provision of 114.6 CMR 3.00 caused by any misstatement request, however, if it knows that the student's statement is inaccurate. If an institution of higher education does not accept a student's waiver request, the student must participate in a qualifying student health insurance program.