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July 5, 2012

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Alex Becker [Become a fanalex.becker@huffingtonpost.com](mailto:fanalex.becker@huffingtonpost.com) Like 51

Massachusetts Website Calls Mitt Romney's Health Care Mandate A 'Tax Penalty'

Posted: 07/05/2012 5:55 pm Updated: 07/05/2012 6:06 pm

WASHINGTON -- The description of Mitt Romney's Massachusetts' health care legislation as a "tax penalty" on official state government websites could add fuel to the debate over descriptions of the individual mandate, implemented in the Bay State and then nationally.

"Every year, you will need to show proof of health insurance on your state income tax return. If you do not have health insurance, you will face a stiff tax penalty," says the [page](#), titled Massachusetts Health Care Reform: Tips and Resources.

The current [website](#) for Massachusetts Health Connector, the state's clearinghouse for health insurance plans and payment, includes a page of tables to help residents "estimate the tax penalties" they can face for being uninsured for all or part of the year.

The "tax penalty" phrasing on these websites, which are some of the primary resources available to help Massachusetts residents navigate the series of state health insurance plans and regulations, appear to contradict Romney's own statements on the insurance mandate he put in place.

"The chief justice, in his opinion, made it very clear that at the state level, states have the power to put in place mandates ... And as a result, Massachusetts' mandate was a mandate, was a penalty, was described that way by the legislature and by me, and so it stays as it was," Romney said Wednesday in an [interview with CBS News](#).

The phrasing might also pose problems for Romney since, following the Supreme Court's ruling that Obama's health care mandate is considered a tax, he has criticized Obama for [breaking his pledge](#) that he "wouldn't raise taxes on middle-income Americans."

Jonathan Gruber, an economist who worked on health care under both Romney and Obama, [has noted](#) that the mandate in each piece of legislation is very similar. And while his preference is to refer to the mandate as a "penalty," he has also been clear that if it's to be called a tax for one politician, it should be the same for the other.

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We want to hear about the campaign ads, robocalls, other calls, fliers and national campaign activities in your community. Tell us about it here or send us information via email to offthebus@huffingtonpost.com, on Twitter [@off_the_bus](#), or tag your Tumblr post with the term [offthebus](#).

Participate

COBRA and Mini-COBRA: You may stay on the group health insurance offered by your employer for up to 18 months after the date your employment ends. The employer will give you forms that let you stay in the group if you pay the premium yourself. However, you may need to pay up to 102% of the premium that your former employer pays the carrier.

Directly from an Insurance Company

You can call a health insurance company directly to enroll in a plan designed for individuals, families and small groups. Many self-employed residents obtain health coverage this way. You can find a list of the companies that offer these plans at the Division of Insurance [website](#) or call 617-521-7794 to learn more.

Commonwealth Connector

Commonwealth Choice: You can go to the Commonwealth Connector to select a "Commonwealth Choice" plan. These plans have the Connector Seal of Approval, certifying that the plans provide good value to consumers.

Commonwealth Care: If your family income is less than 300% of the federal poverty level, and you meet certain qualifications, you can to buy a "Commonwealth Care" plan from the Connector. If your family income is under the federal poverty level, you may be eligible for a plan with no premium. If your family income is between 100% and 300% of the federal poverty level, you may be eligible for discounted premium.

Call 1-877-MA-ENROLL or go to www.mahealthconnector.org to learn more about these plans.

Special Information for Senior Citizens

If you are on Medicare, this will meet the new requirement to have health insurance. For information on Medicare plans available in Massachusetts, visit the Division of Insurance [website](#)  or the SHINE website www.mass.gov/elder.

If you need to buy health insurance, many new health plans are now available. If you enroll in an individual plan between May 1, 2007 and July 31, 2007, you will not have any pre-existing condition provision or waiting period provision. This special open-enrollment period will only take place once, so don't miss it.

Young Adults and Recent Graduates

Qualified Student Health Insurance Plans (QSHIP)

If you are enrolled as a student in a Massachusetts college or university, you can buy a special health plan directly from your school. This Qualified Student Health Insurance Plan (QSHIP) has benefits designed for students, but it is only available while you are an enrolled student.

Your Parent's Plan

Your parent or guardian may keep you on their health insurance until your 26th birthday, or 2 years after the last year you were claimed as a dependent on your parent or guardian's federal income tax return - whichever comes first. This dependant care requirement does not apply to self-funded health plans or plans written outside of Massachusetts.

Massachusetts Session Laws, Acts 2006, Chapter 58 – An act providing access to affordable, quality, accountable health care.

Whereas, the deferred operation of this act would tend to defeat its purpose, which is forthwith to expand access to health care for Massachusetts residents, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

CHAPTER 111M. INDIVIDUAL HEALTH COVERAGE [added by section 12 of the Act]

Section 2. (a) As of July 1, 2007, the following individuals age 18 and over shall obtain and maintain creditable coverage so long as it is deemed affordable under the schedule set by the board of the connector, established by chapter 176Q: (1) residents of the commonwealth; or (2) individuals who become residents of the commonwealth within 63 days, in the aggregate. Residents who within 63 days have terminated any prior creditable coverage, shall obtain and maintain creditable coverage within 63 days of such termination.

(b) Every person who files an individual return as a resident of the commonwealth, either separately or jointly with a spouse, shall indicate on the return, in a manner prescribed by the commissioner of revenue, whether such person, as of the last day of the taxable year for which the return is filed, (i) had creditable coverage in force as required under paragraph (a) whether covered as an individual or as a named beneficiary of a policy covering multiple individuals, (ii) claims an exemption under section 3, or (iii) had a certificate issued under section 3 of chapter 176Q. **If the person does not so indicate, or indicates that he did not have such coverage in force, then the tax shall be computed on the return without benefit of the personal exemption set forth in paragraph (b) of Part B of section 3 of chapter 62, or, in the case of a person who files jointly with a spouse, without benefit of one-half of the personal exemption set forth in such paragraph.** If the person indicates that he had such coverage in force but the commissioner determines, based on the information available to him, that such requirement of paragraph (a) was not met, then the commissioner shall compute the tax for the taxable year without benefit of the personal exemption set forth in paragraph (b) of Part B of section 3 of chapter 62, or, in the case of a person who files jointly with a spouse, without benefit of one-half of the personal exemption set forth in such paragraph, first giving notice to such person of his intent to do so and an opportunity for a hearing, under rules prescribed by the commissioner. The commonwealth shall have all enforcement and collection procedures available under chapter 62C to collect any penalties assessed under this section.

(c) The commissioner shall deposit all penalties collected into the Commonwealth Care Trust Fund, established by section 2000 of chapter 29.
