

How Medicare is affected by the overturn of the Defense of Marriage Act (DOMA)

The Supreme Court recently ruled that some parts of DOMA violate the Constitution and are therefore not legal. If you were legally married in a state that allows same sex marriage and you live in a state that recognizes your marriage, the federal government recognizes your marriage. This means there will be changes to Medicare and Social Security rules for same-sex spouses. How these rules will work depends on how Medicare and Social Security understand the Court's ruling. Parts of your Social Security and/or Medicare may change. These changes could include the following:

- You may be eligible for free [Part A](#) based on your spouse's working history.
- You may be able to use your spouse's group health plan coverage as [primary coverage](#) to Medicare, even after you turn 65. This means you may be able to [delay Part B enrollment](#) while your spouse is still working and for up to 8 months afterward without [penalty](#).
- There may be changes to your [Part B and/or Part D premiums](#).
- There may be changes to your eligibility for [Extra Help](#).

States that allow same sex marriage are:

- California
- Connecticut
- Delaware (as of July 1, 2013)
- District of Columbia
- Hawaii (as of December 2, 2013)
- Iowa
- Massachusetts
- Maine
- Maryland
- Minnesota (as of August 1, 2013)
- New Hampshire
- New Jersey (as of October, 21, 2013)
- New Mexico (as of December, 19, 2013)
- New York
- Rhode Island (as of August 1, 2013)
- Vermont
- Washington

Note: You may have additional rights if the state you live in recognizes marriages performed elsewhere.

For general information on the Defense of Marriage Act, please see the Frequently Asked Question page on the [Gay & Lesbian Alliance Against Defamation \(GLAAD\) website](#). For specific information on how overturning DOMA will affect older Americans, please visit the information and resources page on the [Services and Advocacy for Gay, Lesbian, Bisexual and Transgender Elders \(SAGE\) website](#). This page includes resources for further reading from [AARP](#) and other advocates.

If you need assistance understanding how your Medicare or retirement benefits will work now that parts of DOMA have been overturned, please contact the [Social Security Administration](#) (800-772-1213). Remember, ask for the name of the representative you speak to and get all answers in writing before making any changes to your coverage.