

3307:1-11-10 **Responsibility for health care coverage.**

(A) For the purpose of this rule:

- (1) "Age and service retirant" means a former member who is receiving a retirement allowance pursuant to section 3307.57, 3307.58, 3307.59 or 3307.60 of the Revised Code.
- (2) "Cost paid by the benefit recipient" means the amount equal to the percentage as of January 1, 1998 paid by the benefit recipient multiplied by the system's cost per benefit recipient.
- (3) "Dependent" means an eligible spouse or child of an eligible benefit recipient.
- (4) "Disability benefit recipient" means a member who is receiving a disability benefit or allowance pursuant to section of 3307.57, 3307.63, or 3307.631 of the Revised Code.
- (5) "Effective benefit date" means the date upon which a benefit ~~allowance~~ payment begins.
- (6) "Eligible benefit recipient" means an age and service retirant, disability benefit recipient or survivor benefit recipient who is eligible for health care coverage under this system and another Ohio retirement system.
- (7) "Health care coverage" means the plan offered by this system including, but not limited to, the medical plan, the prescription drug program, and the medicare Part B premium reimbursement.
- (8) "Ohio retirement system" means public employees retirement system, state teachers retirement system, school employees retirement system, Ohio police and fire pension fund or highway patrol retirement system.
- (9) "Survivor benefit recipient" means a beneficiary receiving a benefit pursuant to section 3307.60 or 3307.66 of the Revised Code.

(B) Except as otherwise provided in this rule, this retirement system shall be the system responsible for health care coverage for eligible benefit recipients who receive a benefit or allowance from this system.

(C) This retirement system shall not be the system responsible for health care coverage for eligible benefit recipients in the following situations.

- (1) Where an eligible benefit recipient who is an age and service retiree of this system also is an eligible benefit recipient receiving an age and service benefit from another Ohio retirement system and the effective benefit date in this system is later than the effective benefit date in the other system.
- (2)
 - (a) Where an eligible benefit recipient who is a disability benefit recipient of this system also is an eligible benefit recipient receiving an age and service benefit from another Ohio retirement system.
 - (b) Where an eligible benefit recipient who is a survivor benefit recipient of this system also is an eligible benefit recipient receiving an age and service benefit or a disability benefit from another Ohio retirement system.
- (3) Where an eligible benefit recipient who is a disability benefit recipient of this system also is an eligible benefit recipient receiving a disability benefit from another Ohio retirement system and the effective benefit date of the benefit from this system is later than the effective benefit date in the other system.
- (4) Where an eligible benefit recipient who is a survivor benefit recipient of this system also is an eligible benefit recipient receiving a survivor benefit from another Ohio retirement system and the effective benefit date of the benefit from this system is later than the effective benefit date in the other system.
- (5)
 - (a) Where the effective benefit dates for an eligible benefit recipient in the situation described in paragraph (C)(1), (C)(3) or (C)(4) of this rule are the same in each system, and the benefit recipient has less service credit in this system than in the other system.
 - (b) Where the effective benefit dates and service credit for an eligible benefit recipient in the situation described in paragraph (C)(1), (C)(3) or (C)(4) of this rule are the same in each system, and the employee contributions in the account upon which the benefit in this system is based are less than the employee contributions in the account upon which the benefit in the other system was based.

(D)

(1)

- (a) Where this system is responsible for health care coverage pursuant to this rule, an eligible benefit recipient of this system who also is an eligible benefit recipient of another Ohio retirement system may irrevocably waive such health care coverage in order to be covered by the other Ohio retirement system, if the other system has agreed in writing to offer such coverage. The waiver is revocable if the benefit recipient is no longer eligible for health care in the other system. Such recipient shall waive such coverage in writing to this system. Health care coverage in this system shall cease with the exception of the medicare Part B premium reimbursement when it is not available to the benefit recipient in the other Ohio retirement system beginning the first of the month following receipt of the waiver by this system.
- (b) In the event a an eligible benefit recipient has irrevocably waived health care coverage as provided in paragraph (D)(1)(a) of this rule, this system shall:
- (i) Promptly notify the other Ohio retirement system the eligible benefit recipient has waived health care coverage and the effective date of such non-coverage; and
- (ii) For covered eligible benefit recipients and dependents transfer to the other system annually for each month covered an amount equal to the sum of:
- (a) The lesser of this system's average monthly medical including health maintenance organization cost per eligible benefit recipient less the cost paid by the eligible benefit recipient, or the other system's average monthly medical including health maintenance organization cost per eligible benefit recipient.
- (b) The lesser of this system's average monthly cost of the prescription drug program per eligible benefit recipient, or the other system's average monthly cost of the prescription drug program per eligible benefit recipient.
- (c) The lesser of the monthly cost of the medicare Part B premium that would be reimbursed by this system for the eligible benefit recipient, or the monthly cost of the medicare Part B

premium that would be reimbursed by the other system for the eligible benefit recipient.

(d) This system shall transfer the amounts due pursuant to paragraph (D)(1)(b)(ii) of this rule no later than the last business day of February each year for the preceding calendar year after the following occur:

(i) This system receives from the system a list containing the names of eligible benefit recipients and the number of months during which the eligible benefit recipients were covered by the other system for the preceding calendar year; and

(ii) This system prepares an itemized accounting of the amount transferred for each such eligible benefit recipient.

(2)

(a) Where this system is not responsible for health care coverage pursuant to this rule, an eligible benefit recipient of another Ohio retirement system who also is an eligible benefit recipient or dependent of an eligible benefit recipient of this system may irrevocably waive health care coverage in the other system to be covered by this system as a benefit recipient or dependent if otherwise eligible. Health care coverage in this system shall be effective the first of the month following the termination of coverage in the other system.

(b) Where an eligible benefit recipient or dependent of an eligible benefit recipient of this system has waived health care coverage in another Ohio retirement system, this system shall be responsible to provide health care coverage only if this system:

(i) Is promptly notified by the other system that the eligible benefit recipient or dependent has waived health care coverage and the effective date of termination of coverage; and

(ii) For covered eligible benefit recipients and dependents, the other system pays annually to this system for each month covered an amount equal to the sum of:

- (a) The lesser of this system's average monthly medical including health maintenance organization cost per eligible benefit recipient less the cost paid by the eligible benefit recipient, or the other system's average monthly medical including health maintenance organization cost per eligible benefit recipient.
- (b) The lesser of this system's average monthly cost of the prescription drug program per eligible benefit recipient, or the other system's average monthly cost of the prescription drug program per eligible benefit recipient.
- (c) The lesser of the monthly cost of the medicare Part B premium that would be reimbursed by this system for the eligible benefit recipient, or the monthly cost of the medicare Part B premium that would be reimbursed by the other system for the eligible benefit recipient.

(E)

- (1) Not later than three years from the effective date of this rule this system shall contact the other retirement systems to review the adequacy of the transfer of funds described in paragraph (D) of this rule.
- (2) If there is a material change in this system's plan or circumstances, this system shall notify the other Ohio retirement systems ninety days prior to the effective date of such change to discuss the impact of such change on this rule.

(F) The waiver program outlined in paragraphs (D) and (E) of this rule shall remain in place only for eligible benefit recipients who waived coverage from this system or to this system prior to January 1, 2008. ~~Effective~~

Effective January 1, 2008, benefit recipients shall not be permitted to waive coverage as outlined in paragraphs (D) and (E) of this rule as the Ohio police and fire pension fund discontinued its waiver program effective January 1, 2008, the Ohio public employees retirement system discontinued its waiver program effective January 1, 2007, and the school employees retirement system discontinued its waiver program effective March 1, 2007. The highway patrol retirement system has never participated with this system in the waiver program outlined in paragraphs (D) and (E) of this rule.

Eligible benefit recipients who waived coverage from this system may apply for enrollment under the state teachers retirement system's health care program during an annual open enrollment period in calendar years 2014 and 2015. Effective January 1, 2016, the state teachers retirement system shall terminate the waiver program in its entirety and no additional transfer of funds pursuant to paragraph (D) of this rule will be made to another Ohio retirement system beyond the final reconciliation of calendar year 2015. Eligible benefit recipients will no longer be bound by the irrevocable waiver as described under paragraphs (D) and (E) of this rule and their participation in the state teachers retirement system health care program shall be in accordance with Chapter 3307:1-11 of the Administrative Code.

Effective:

R.C. 119.032 review dates: 06/01/2016

Certification

Date

Promulgated Under: 111.15
Statutory Authority: 3307.04
Rule Amplifies: 0.00
Prior Effective Dates: 8/1/98, 7/1/01 (Emer.), 9/17/01, 10/23/07 (Emer.),
1/20/08, 6/6/11