

5505-7-04

Health care.**(A) For the purpose of this rule:**

- (1) "Age and service retireant" shall mean a former member that applied for and was granted retirement benefits as described in section 5505.16 of the Revised Code.
- (2) "Benefit recipient" shall mean an age and service retireant or disability retireant that is receiving a pension benefit as described in division (A)(1) of section 5505.17 of the Revised Code.
- (3) "Child" shall mean a biological child, lawfully adopted child, child placed for adoption or stepchild of a benefit recipient or member provided that such child has not yet attained age twenty-six. "Child" shall also mean a child for whom a benefit recipient or member has been legally appointed as guardian, provided that such child has not yet attained age eighteen.
- (4) "Dependent" shall mean the spouse or child as defined in this rule.
- (5) "Disability retireant" shall mean a former member that applied for and was granted retirement benefits as described in section 5505.18 of the Revised Code.
- (6) "Eligible dependent" shall mean a dependent that qualifies for health care coverage pursuant to paragraph (C) of this rule.
- (7) "Member" shall have the same meaning as division (J) of section 5505.01 of the Revised Code.
- (8) "Retireant" shall mean an age and service retireant or disability retireant.
- (9) "Spouse" shall mean a wife or husband of a retireant or member as set forth in a statutorily-valid certificate.

(B) Benefit recipients and eligible dependents may enroll in any plan offered pursuant to section 5505.28 of the Revised Code.

- (1) The annual premium cost for each category of coverage will be determined by the board prior to the annual open enrollment period.
- (2) All provisions of this rule are subject to current health care contracts and amendments.
- (3) The board may implement cost control measures as it deems necessary.
- (4) Only benefit recipients and eligible dependents who are enrolled under state highway patrol retirement system medical coverage are eligible for

prescription drug coverage.

(C) The dependents of a benefit recipient are eligible for health care, subject to the following conditions:

- (1) The benefit recipient is enrolled in the HPRS medical and prescription plans.
- (2) A child for whom the benefit recipient has been appointed as guardian is eligible for healthcare if the child is unmarried, chiefly dependent on the benefit recipient, and lives in the same household as the benefit recipient.
- (3) The board may require documented proof of marriage, guardianship, or parenthood. The board reserves the right to deny or cancel coverage if the benefit recipient or dependent does not comply with the board's request for documents.

(D) Upon death of a retirant, or member, dependents are eligible for health care coverage, subject to the following conditions:

- (1) The dependent, except as provided in paragraph (D)(2) of this rule, would have qualified as an eligible dependent had the retirant or member been a benefit recipient at the time of death.
- (2) A child for whom a retirant or member has been legally appointed as guardian, who would have been eligible for coverage at the time of the retirant's or member's death had the retirant or member been a benefit recipient, may obtain or continue coverage, provided the spouse elects to continue coverage, the spouse is appointed guardian of the child within ninety days of the retirant or member's death, and the child is chiefly dependent on the spouse and lives in the same household as the spouse.
- (3) In the event a spouse remarries, health care eligibility shall continue. Notwithstanding the forgoing, a spouse who has access to medical and/or prescription coverage through his or her new spouse must secure it as primary coverage, regardless of cost; secondary coverage may be maintained.

(E) Open enrollment for all health care options will be November first through November thirtieth each year.

- (1) Eligible benefit recipients and dependents may enroll in or delete coverage only during open enrollment, except to the extent of (a) a qualifying event that affects that individual's eligibility for health benefits; (b) a medicare rule; or (c) a newly retired member may enroll up to sixty days after his or her retirement effective date.

(2) Qualifying events include -

- (a) Marriage.
- (b) Birth, adoption, placement for adoption or legal guardianship of a child.
- (c) Change in employment status.
- (d) Divorce, annulment, or dissolution.
- (e) Legal separation.
- (f) Involuntary termination of other group coverage, or
- (g) Death.

(3) The effective date of coverage will be -

- (a) January first for an addition during open enrollment. Deletions during open enrollment shall be effective December thirty-first.
- (b) The beginning of the month following the receipt of an enrollment form based on a qualifying event.
- (c) The date of marriage for the addition of a new spouse or stepchild.
- (d) The date of birth for the addition of a newborn.
- (e) The adoption date for the addition of a newly-adopted child or the date the child is placed for adoption.
- (f) The date the legal guardianship becomes effective.

(4) Upon request, a benefit recipient or eligible dependent may designate an effective date of coverage that is the beginning of a month no later than two months after the effective date under paragraph (E)(3) of this rule.

(5) To qualify for coverage, an enrollment form based upon a qualifying event must be received by the retirement system no later than sixty days after the event.

(F) A termination of coverage will be effective at the end of the month during which an enrollment change form is received.

(1) Health care coverage for eligible dependents shall terminate under the following conditions:

- (a) At the end of the month in which the spouse is no longer married to the benefit recipient.

(b) At the end of the month in which the child attains the age of twenty-six except in the case of a legal guardianship which shall be when the child is no longer eligible as defined by paragraph (D)(2) of this rule.

(c) At the end of the month in which the benefit recipient terminates coverage.

(2) Health care eligibility of a child of a deceased member or retirant will terminate at age twenty-six except in the case of a legal guardianship which shall be when the child is no longer eligible as defined by paragraph (D)(2) of this rule.

(G)

(1) Notwithstanding the provisions of paragraphs (F)(1)(b) and (F)(2) of this rule, health care coverage will continue for a disabled child who meets all of the following:

(a) Is unmarried.

(b) Is mentally or physically incapable of earning his or her own living.

(c) Became so incapable prior to the attainment of the limiting age for coverage of children, and

(d) Is chiefly dependent upon the retirant for support and maintenance.

(e) A disabled child that qualifies for coverage beyond age twenty-six under this section that has access to other medical and/or prescription coverage must secure the other coverage as primary coverage, regardless of cost.

(2) To determine whether a disabled dependent child qualifies for coverage under this section, the retirement board may require -

(a) A physician's statement.

(b) An independent medical examination.

(c) Two years of federal tax returns from both the parents and the dependent child, and

(d) Any other information that the board deems relevant.

(H)

- (1) Effective January 1, 2015, a benefit recipient who is employed at least thirty hours each week may secure primary medical and/or prescription coverage through the employer or the state highway patrol retirement system. Alternatively, the benefit recipient may elect to secure primary coverage through a spouse's employment.
- (a) If the benefit recipient is employed and secures primary coverage through the state highway patrol retirement system, he or she shall pay a premium set by the Board pursuant to paragraph (B)(1) of this rule. The premium will apply sixty days after employment commences except as detailed in this rule.
- (b) If the benefit recipient is employed less than thirty hours per week, the benefit recipient may apply to the board for an exemption. The request for exemption must be accompanied with either: (1) certification from the benefit recipient's employer that the benefit recipient will not exceed an average of thirty work hours over four consecutive pay periods; or (2) evidence of four consecutive pay periods showing that the benefit recipient worked on average less than thirty hours per pay period. No refunds of past premiums will be made.
- (c) A benefit recipient must inform the state highway patrol retirement system within sixty days of commencing any employment. If a benefit recipient fails to inform the state highway patrol retirement system pursuant to this section, premiums may be payable pursuant to paragraph (H)(1)(a) of this rule effective sixty days after employment originally commenced unless the benefit recipient would have been eligible for an exemption pursuant to paragraph (H)(1)(b) of this rule.
- (d) Notwithstanding this provision, primary dental and vision coverage and secondary medical and prescription coverage may be elected through the state highway patrol retirement system.
- (2) Prior to January 1, 2015, a benefit recipient who has access to medical and/or prescription coverage through employment must secure it as primary coverage, regardless of cost. Alternatively, the benefit recipient may elect to secure primary coverage through a spouse's employment. Notwithstanding this provision, primary dental and vision coverage and secondary medical and prescription coverage may be elected through the state highway patrol retirement system. The requirement that primary prescription coverage be obtained through an employer is effective for pension benefits payable on or after January 1, 2011.
- (3) A spouse who has access to medical and/or prescription coverage through employment must secure it as primary coverage, regardless of cost.

Notwithstanding this provision, primary dental and vision coverage and secondary medical and prescription coverage may be elected through the state highway patrol retirement system.

- (4) A spouse who has access, as a benefit recipient of another retirement system or pension plan, to medical and/or prescription coverage must secure it as primary coverage, regardless of cost. Further, a spouse that receives a payment, stipend, or other remuneration of any kind from another retirement system or pension plan for the purpose of obtaining medical and/or prescription coverage may not elect state highway patrol retirement system coverage as primary coverage. Notwithstanding this provision, primary dental and vision coverage and secondary medical and prescription coverage may be elected through the state highway patrol retirement system. A dependent who had coverage through the state highway patrol retirement system prior to January 1, 2011 may continue that coverage until it is interrupted.
- (5) Paragraphs (H)(1), (H)(2), (H)(3), and (H)(4) of this rule will not apply to a participant who has both medicare part A and medicare part B coverage.
- (6) If the cost of primary coverage pursuant to paragraph (H)(1), (H)(2), (H)(3) or (H)(4) of this rule less any payment, stipend or other remuneration received for the purpose of securing medical and/or prescription coverage exceeds fifty per cent of the gross income provided by the employer, retirement system, or pension plan, the benefit recipient or spouse, if the benefit recipient is deceased, may apply for a hardship exemption to the board.
- (I) An individual who receives benefits in accordance with section 5505.16, 5505.17, or 5505.18 of the Revised Code will be reimbursed for medicare part B premiums upon the receipt of evidence of coverage, up to a maximum amount established by the board.

 - (1) Evidence will consist of a medicare HIC number or other verification provided by the social security administration.
 - (2) The reimbursement amount for the following year will be established by the board no later than the December meeting.
 - (3) Reimbursement will be effective the month following receipt of evidence of coverage and will be added to each monthly pension payment.
 - (4) Reimbursement will not be due to a benefit recipient who is eligible to receive reimbursement from an employer, another retirement plan, or any other entity.
 - (5) An individual who is eligible for medicare part B coverage who does not enroll within thirty days after the individual's eligibility date shall be ineligible for HPRS medical and prescription coverage.

- (6) To the extent an individual becomes eligible for medicare part B, from that date forward, the individual must purchase medicare part B. An individual that fails to enroll in medicare part B within thirty days of the eligibility date shall immediately become ineligible for HPRS medical and prescription coverage. A benefit recipient is not required to purchase retroactive medicare part B coverage in order to qualify for full benefits.
- (J) If it is available at no cost, a participant is required to enroll in medicare part A. The board reserves the right to terminate medical and prescription coverage of an individual who does not maintain medicare part A coverage that is available at no cost.
- (K) Anyone who is eligible for a benefit based only on (1) an election in accordance with section 5505.162 of the Revised Code, (2) division (A)(2) to (A)(9) of section 5505.17 of the Revised Code, or (3) being an alternate payee under section 5505.261 of the Revised Code is not eligible for health care coverage or medicare part B reimbursement.
- (L) An enrolled benefit recipient's coverage shall be rescinded if the benefit recipient performs an act, practice or omission that constitutes fraud or makes an intentional misrepresentation of material fact regarding the health care coverage. The effective date of the termination of coverage shall be the date of the act, practice or omission that constitutes fraud or an intentional misrepresentation of material fact, unless otherwise limited by Ohio law. The retirement system shall notify the benefit recipient of the rescission at least thirty days prior to processing the rescission. The rescission applies to all enrolled dependents and all coverage options.
- (M) The executive director is authorized to deny or cancel coverage if the benefit recipient or dependent does not comply with a request for documents or information the executive director deems necessary to carry-out the requirements of this rule.

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Date

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5505-9-01 Election of board members.

(A) The state highway patrol retirement system (HPRS) board shall conduct elections in accordance with Chapter 5505 of the Revised Code and this rule.

(B) For the purpose of this rule:

(1) "Contributing member" shall be a member described in division (J) of section 5505.01 of the Revised Code that is making contributions pursuant to section 5505.15 of the Revised Code. Eligibility of a "contributing member" shall be determined on the first Monday in April of the year of the election.

(2) "Retirant member" shall have the meaning described in division (K) of section 5505.01 of the Revised Code. For the purpose of this rule, "Retirant member" shall also include DROP participants. Eligibility of a "retirant member" shall be determined on the first Monday in April of the year of the election.

(C) Notification of elections

(1) For any election of an employee member, a notice of election shall be distributed by appropriate means to each facility where a contributing member is assigned not later than May first of the election year. For any election of a retiree member, a notice of election shall be sent to each eligible retirant member through appropriate means not later than May first of the election year.

(2) The notice of election shall include a statement of the requirements for candidacy forms, the date after which candidacy forms shall be available, the final date for receipt of completed candidacy forms, the final date for receipt of completed election ballots, and the date and place for the election count to be conducted under the supervision of judges as designated in paragraph (E) of this rule. The notice of election, candidacy form, and voting instructions shall be approved by the board at its regular February meeting.

(D) Candidacy Forms

(1) Candidacy forms may be obtained at the HPRS offices during normal business hours after May first of the election year. Candidacy forms will also be available at www.ohprs.org. Candidacy forms will be mailed by HPRS only upon request.

(2) Candidacy forms must be filed with the HPRS office not later than four thirty p.m. on the date set by the board pursuant to paragraph (C) of this Rule. Persons filing a candidacy form may also submit either a resume or a candidacy statement. A resume or candidacy statement may not exceed one single-sided page and must be submitted with the candidacy form.

(E) Ballots and voting

- (1) HPRS may conduct an election by paper ballots or through electronic methods.
- (2) The ballot position of each candidate's name shall be rotated.
- (3)

 - (a) Voting materials for each retirant member of the retirement system shall include a ballot, copies of the applicable candidacy form, the resume or candidacy statement, voting instructions, and any other materials the retirement board deems necessary. Voting material shall be distributed to each retirant member by June twentieth of the election year. If the voting instructions are not explicitly followed, the ballot will be voided.
 - (b) HPRS shall send each contributing member a ballot, voting instructions, and any other material the retirement board deems necessary by June twentieth of the election year. Candidacy forms, resumes, and candidacy statements shall be distributed by appropriate means to each facility where a contributing member is assigned not later than June twentieth of the election year. If the voting instructions are not explicitly followed, the ballot will be voided.
- (4)

 - (a) Completed ballots must be received at the HPRS office, in a manner described in the voting instructions, not later than four thirty p.m. on the date set by the board pursuant to paragraph (C) of this Rule.
 - (b) As ballot return envelopes are received at HPRS, each shall be date and time-stamped and recorded on the master list of contributing member and retirant member account numbers.
- (5)

 - (a) No sooner than the fourth business day following July twentieth, ballots shall be counted by a committee that includes at least one trustee appointed by the chair. The counting shall be monitored by a representative of the secretary of state.
 - (b) The candidate may attend the counting of ballots. If the candidate is unable to attend, the candidate may designate, in writing, a member to be present during the counting of ballots. Designations must be made by July twentieth of the election year. No other person, except HPRS employees and individuals described in this rule, may attend the counting of ballots.
 - (c) Within twenty-four hours of the completion of the count, the elections

results shall be forwarded to each facility to which a contributing member is assigned. The election results shall be published on the retirement board's website within thirty days.

(6) There shall be no provision for a recount; however, ballots shall be held for public inspection for thirty days. Ballots may be destroyed by the executive director after the public inspection period.

(7) The official certification of the ballot totals may be destroyed after four years.

(8) In the event of a tie, the winner shall be determined by a coin toss conducted by the representative of the secretary of state with "heads" being assigned to the candidate whose last name is first alphabetically and "tails" assigned to the other candidate. If three or more candidates are tied, the representative of the secretary of state shall draw names to select the winner amongst the tied candidates. A name shall be drawn for each vacancy. The manner in which the names are drawn shall be determined by the representative of the secretary of state with the concurrence of the trustee member of the committee selected in accordance with paragraph (E)(5)(a) of this rule.

(9) In the event of more than one vacancy for the same term, a single election shall be held and the candidates with the most votes shall be elected.

(F) If the number of candidates is less than or equal to the number of available board seats, each candidate shall be certified as a trustee without the need for an election.

(G) The board may invalidate an election if, in its discretion, improprieties have had a substantial impact on the fairness of the election.

(H) Pursuant to section 5505.042 of the Revised Code, a special election shall be held in the event of a vacancy or if the board invalidates an election pursuant to paragraph (G) of this rule. The process for a special election shall be the same as for a regular election except all the dates outlined in this rule shall be set as appropriate. No election shall occur if the remainder of the unexpired term is less than ninety days.

(I) All information, ballots, instructions, correspondence or other material described in this rule shall be sent to the address on file with HPRS. It is the sole responsibility of the contributing member or retirant member to ensure HPRS has his or her most current address.

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