STATE OF OKLAHOMA

1st Session of the 51st Legislature (2007)

SENATE BILL 1106 By: Corn

AS INTRODUCED

An Act relating to education retirees; amending 74 O.S. 2001, Section 1316.3, as last amended by Section 3, Chapter 198, O.S.L. 2005 (74 O.S. Supp. 2006, Section 1316.3), which relates to health insurance benefits for persons retired pursuant to the Teachers' Retirement System of Oklahoma; adding type of retiree eligible for certain payment; specifying manner of certain payment; modifying maximum health insurance benefit payment amount; requiring the Legislature to appropriate adequate funding for the benefit payment; providing for calculation of funding amount; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 74 O.S. 2001, Section 1316.3, as last amended by Section 3, Chapter 198, O.S.L. 2005 (74 O.S. Supp. 2006, Section 1316.3), is amended to read as follows:

Section 1316.3 A. Any person who retires pursuant to the provisions of the Teachers' Retirement System of Oklahoma with at least ten (10) years of creditable service or who has a vested benefit with at least ten (10) years of creditable service, pursuant to the provisions of the Teachers' Retirement System of Oklahoma may

continue in force the health and dental insurance benefits authorized by the provisions of the State and Education Employees Group Insurance Act if such election to continue in force or begin is made within thirty (30) days from the date of termination of service. Except as provided in subsection E of Sections 5-117.5 and 14-108.1 of Title 70 of the Oklahoma Statutes and Section 840-2.27I of this title and subsection K of this section, health and dental insurance coverage may not be reinstated at a later time if the election to continue in force or begin coverage is declined. Vested persons who have terminated service and are not receiving benefits and effective July 1, 1996, nonvested persons who have terminated service with more than ten (10) years of participating service with a qualifying employer, who within thirty (30) days from the date of termination of service, elect to continue such coverage, shall pay the full cost of said insurance premium at the rate and pursuant to the terms and conditions established by the Board.

B. 1. Health insurance benefit plans offered pursuant to this section shall include:

a. indemnity plans offered through the State and Education Employees Group Insurance Board,

b. managed care plans offered as alternatives to the indemnity plans,

c. Medicare supplements offered through the State and Education Employees Group Insurance Board,

d. Medicare risk-sharing contracts offered as alternatives to the Medicare supplements offered through the State and Education Employees Group Insurance Board, and

e. any other employer-provided health insurance benefit plans if the employer does not participate in the plans offered pursuant to the State and Education Employees Group Insurance Act.

2. Health insurance benefit plans offered pursuant to this section shall provide prescription drug benefits, except for plans designed pursuant to the Medicare Prescription Drug Improvement and Modernization Act of 2003, which may or may not contain prescription drug benefits, for which provision of prescription drug benefits is optional, and except for plans offered pursuant to subparagraph e of paragraph 1 of this subsection.

C. A retired person who:

1. Is receiving benefits from the Teachers' Retirement System of Oklahoma after September 30, 1988, is under sixty-five (65) years of age and is not otherwise eligible for Medicare and pursuant to subsection A of this section elects to begin or to continue the health insurance plan;

2. Is receiving benefits from the Teachers' Retirement System of Oklahoma after June 30, 1993, is under sixty-five (65) years of age and is not otherwise eligible for Medicare and participates in a

health insurance plan provided by a participating education employer of the Teachers' Retirement System of Oklahoma other than a health insurance plan offered pursuant to the State and Education Employees Group Insurance Act or an alternative health plan offered pursuant to the Oklahoma State Employees Benefits Act;

3. Is receiving benefits from the Teachers' Retirement System of Oklahoma after September 30, 1988, made contributions to the system and is sixty-five (65) years of age or older, or who is under sixty-five (65) years of age and is eligible for Medicare and is a participant in the State and Education Employees Group Insurance Act and elects coverage under the Medicare supplement offered by the State and Education Employees Group Insurance Board; ~~or~~

4. Is receiving benefits from the Teachers' Retirement System of Oklahoma after June 30, 1993, made contributions to the system and is sixty-five (65) years of age or older, or who is under sixty-five (65) years of age and is eligible for Medicare and participates in a health insurance plan provided by a participating education employer of the Teachers' Retirement System of Oklahoma other than a health insurance plan offered pursuant to the State and Education Employees Group Insurance Act or an alternative health plan offered pursuant to the Oklahoma State Employees Benefits Act and elects coverage under the Medicare supplement offered by the State and Education Employees Group Insurance Board; or

5. Is receiving benefits from the Teachers' Retirement System of Oklahoma, has chosen not to elect to participate in a health plan offered pursuant to the State and Education Employees Group Insurance Act, an alternative health plan offered pursuant to the Oklahoma State Employees Benefits Act or a health insurance plan provided by a participating education employer of the Teachers' Retirement System, and who is being covered on other group or individual insurance either as a primary or a dependent, shall have the amount determined pursuant to subsection E of this section~~, or the premium rate of the health insurance benefit plan, whichever is less,~~ paid by the Teachers' Retirement System of Oklahoma. If the amount paid by the Teachers' Retirement System of Oklahoma does not cover the full cost of the health insurance premium, the retired person shall pay the remaining amount if the retired person wants to continue the coverage.

D. The Teachers' Retirement System shall pay from funds appropriated pursuant to subsection L of this section the amount due pursuant to the provisions of subsection C of this section as follows:

1. For those individuals participating in plans provided through the State and Education Employees Group Insurance Act, payment shall be made to the Board pursuant to the provisions of subsection I of this section; ~~or~~

2. For those individuals participating in plans provided through a participating education employer of the Teachers' Retirement System of Oklahoma other than a health insurance plan offered pursuant to the State and Education Employees Group Insurance Act, payment shall be made to the education employer; or

3. For those individuals who are not participating in plans provided through the State and Education Employees Group Insurance Act, an alternative health plan offered pursuant to the Oklahoma State Employees Benefits Act or through a participating education employer of the Teachers' Retirement System of Oklahoma, the payment shall be made directly to the individual. Payments shall only be made to those individuals who provide to the Teachers' Retirement System of Oklahoma, in the manner prescribed by the System, proof of payment for the insurance coverage described in this paragraph.

E. 1. Beginning July 1, ~~2000~~ 2007, the maximum benefit payable by the Teachers' Retirement System of Oklahoma from funds appropriated pursuant to subsection L of this section on behalf of a retired person toward said person's monthly premium for health insurance shall be ~~determined in accordance with the following schedule:~~

~~AVERAGE SALARY~~	~~LESS THAN 15 YEARS OF~~	~~LESS THAN 25 YEARS BUT GREATER THAN 14.99 YEARS OF~~	~~GREATER THAN 24.99 YEARS OF~~

~~USED FOR DETERMINING RETIREMENT ALLOWANCE~~	~~CREDITABLE SERVICE~~	~~CREDITABLE SERVICE~~	~~CREDITABLE SERVICE~~
~~Less than $20,000.00~~	~~$103.00~~	~~$104.00~~	~~$105.00~~
~~Less than $30,000.00 but greater than $19,999.99~~	~~$102.00~~	~~$103.00~~	~~$104.00~~
~~Less than $40,000.00 but greater than $29,999.99~~	~~$101.00~~	~~$102.00~~	~~$103.00~~
~~$40,000.00 or greater~~	~~$100.00~~	~~$101.00~~	~~$102.00~~

as follows:

a. for a retired person who is not eligible for Medicare and who participates in the health insurance plan offered pursuant to the State and Education Employees Group Insurance Act or participates in a health insurance plan provided by a participating education employer of the Teachers' Retirement System of Oklahoma other than a health insurance plan offered pursuant to the State and Education Employees Group Insurance Act or an alternative health plan offered pursuant to the Oklahoma State Employees Benefits Act, an amount equal to the premium amount for the HealthChoice (Hi) option plan for an individual offered by the State and Education Employees Group Insurance Board,

b. for a retired person who is eligible for Medicare and is a participant in the State and Education Employees Group Insurance Act and elects coverage under the Medicare supplement offered by the State and Education Employees Group Insurance Board or is eligible for Medicare and participates in a health insurance plan provided by a participating education employer of the Teachers' Retirement System of Oklahoma other than a health insurance plan offered pursuant to the State and Education Employees Group Insurance Act or an alternative health plan offered pursuant to the Oklahoma State Employees Benefits Act and elects coverage under the Medicare supplement offered by the State and Education Employees Group Insurance Board, an amount equal to the premium amount for the Medicare supplement for an individual offered by the State and Education Employees Group Insurance Board, or

c. for a retired person who is not participating in plans provided through the State and Education Employees Group Insurance Act, an alternative health plan offered pursuant to the Oklahoma State Employees Benefits Act or through a participating education employer of the Teachers' Retirement System of Oklahoma, but is being covered on other group or

individual insurance either as a primary or a dependent, an amount equal to the premium amount for the HealthChoice (Hi) option plan for an individual offered by the State and Education Employees Group Insurance Board, whichever amount is applicable.

2. For plans offered by the State and Education Employees Group Insurance Board, the amount paid pursuant to this subsection shall first be applied to the prescription drug coverage premium, if any. Any remaining amounts shall be applied towards the medical coverage premium.

F. If a person retires and begins to receive benefits from the Teachers' Retirement System of Oklahoma or terminates service and has a vested benefit with the Teachers' Retirement System of Oklahoma, the person may elect, in the manner provided in subsection A of this section, to participate in the dental insurance plan offered through the State and Education Employees Group Insurance Act. The person shall pay the full cost of the dental insurance.

G. Those persons who are receiving benefits from the Teachers' Retirement System of Oklahoma and have health insurance coverage which on the operative date of this section is being paid by the education entity from which the person retired shall make the election required in subsection A of this section within thirty (30) days of the termination of said health insurance coverage. The person making the election shall give the Board certified

documentation satisfactory to the Board of the termination date of the other health insurance coverage.

H. Dependents of a deceased education employee who was on active work status or on a disability leave at the time of death or of a participating retirant or of any person who has elected to receive a vested benefit under the Teachers' Retirement System of Oklahoma may continue the health and dental insurance benefits in force provided said dependents pay the full cost of such insurance and they were covered as eligible dependents at the time of such death and such election is made within thirty (30) days of date of death. The eligibility for said benefits shall terminate for the surviving children when said children cease to qualify as dependents.

I. The amounts required to be paid by the Teachers' Retirement System of Oklahoma pursuant to this section shall be forwarded no later than the tenth day of each month following the month for which payment is due by the Board of Trustees of the Teachers' Retirement System of Oklahoma to the State and Education Employees Group Insurance Board for deposit in the Education Employees Group Insurance Reserve Fund.

J. The Teachers' Retirement System of Oklahoma shall provide the State and Education Employees Group Insurance Board information concerning the employers of retired and vested members necessary to

allow the State and Education Employees Group Insurance Board to track eligibility for continued coverage.

K. Upon retirement from employment with the Board of Regents of the University of Oklahoma, any person who is or was employed at the George Nigh Rehabilitation Institute and who transferred employment pursuant to Section 3427 of Title 70 of the Oklahoma Statutes, any person who was employed at the Medical Technology and Research Authority and who transferred employment pursuant to Section 7068 of this title, and any person who is a member of the Oklahoma Law Enforcement Retirement System pursuant to the authority of Section 2-314 of Title 47 of the Oklahoma Statutes may participate in the benefits authorized by the provisions of the State and Education Employees Group Insurance Act for retired participants, including health, dental and life insurance benefits, if such election to participate is made within thirty (30) days from the date of termination of employment. Life insurance benefits for any such person who transferred employment shall not exceed the coverage the person had at the time of such transfer. Retirees who are persons transferred employment and who participate pursuant to this paragraph shall pay the premium for elected benefits less any amounts paid by the retirement system pursuant to this section.

<u>L. The Legislature shall annually appropriate adequate funding to the Teachers' Retirement System of Oklahoma for the purpose of making the health insurance benefit payments on behalf of retired</u>

persons as provided for in subsection C of this section. The funding shall be based on the number of eligible retired persons as determined pursuant to this section and the benefit amount determined pursuant to subsection E of this section.

SECTION 2. This act shall become effective July 1, 2007.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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