

SB3444



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3444

Introduced 2/14/2020, by Sen. Neil Anderson

SYNOPSIS AS INTRODUCED:

5 ILCS 375/6.5

Amends the State Employees Group Insurance Act of 1971. Provides that a TRS benefit recipient who has overpaid shall be entitled to a refund of overpayments that shall become immediately payable to the benefit recipient regardless of when the initial overpayment was made (currently, entitled to only 7 years of past payments). Provides that the Department of Central Management Services shall take every step to notify the benefit recipient of the overpayment and shall make every effort to process and make the payment as promptly as possible. Provides that the required payments are retroactive for any previously made overpayment that has not been paid out. Effective immediately.

LRB101 19010 RJF 68469 b

A BILL FOR

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The State Employees Group Insurance Act of 1971
5 is amended by changing Section 6.5 as follows:

6 (5 ILCS 375/6.5)

7 Sec. 6.5. Health benefits for TRS benefit recipients and
8 TRS dependent beneficiaries.

9 (a) Purpose. It is the purpose of this amendatory Act of
10 1995 to transfer the administration of the program of health
11 benefits established for benefit recipients and their
12 dependent beneficiaries under Article 16 of the Illinois
13 Pension Code to the Department of Central Management Services.

14 (b) Transition provisions. The Board of Trustees of the
15 Teachers' Retirement System shall continue to administer the
16 health benefit program established under Article 16 of the
17 Illinois Pension Code through December 31, 1995. Beginning
18 January 1, 1996, the Department of Central Management Services
19 shall be responsible for administering a program of health
20 benefits for TRS benefit recipients and TRS dependent
21 beneficiaries under this Section. The Department of Central
22 Management Services and the Teachers' Retirement System shall
23 cooperate in this endeavor and shall coordinate their

1 activities so as to ensure a smooth transition and
2 uninterrupted health benefit coverage.

3 (c) Eligibility. All persons who were enrolled in the
4 Article 16 program at the time of the transfer shall be
5 eligible to participate in the program established under this
6 Section without any interruption or delay in coverage or
7 limitation as to pre-existing medical conditions. Eligibility
8 to participate shall be determined by the Teachers' Retirement
9 System. Eligibility information shall be communicated to the
10 Department of Central Management Services in a format
11 acceptable to the Department.

12 Eligible TRS benefit recipients may enroll or re-enroll in
13 the program of health benefits established under this Section
14 during any applicable annual open enrollment period and as
15 otherwise permitted by the Department of Central Management
16 Services. A TRS benefit recipient shall not be deemed
17 ineligible to participate solely by reason of the TRS benefit
18 recipient having made a previous election to disenroll or
19 otherwise not participate in the program of health benefits.

20 A TRS dependent beneficiary who is a child age 19 or over
21 and mentally or physically disabled does not become ineligible
22 to participate by reason of (i) becoming ineligible to be
23 claimed as a dependent for Illinois or federal income tax
24 purposes or (ii) receiving earned income, so long as those
25 earnings are insufficient for the child to be fully
26 self-sufficient.

1 (d) Coverage. The level of health benefits provided under
2 this Section shall be similar to the level of benefits provided
3 by the program previously established under Article 16 of the
4 Illinois Pension Code.

5 Group life insurance benefits are not included in the
6 benefits to be provided to TRS benefit recipients and TRS
7 dependent beneficiaries under this Act.

8 The program of health benefits under this Section may
9 include any or all of the benefit limitations, including but
10 not limited to a reduction in benefits based on eligibility for
11 federal Medicare benefits, that are provided under subsection
12 (a) of Section 6 of this Act for other health benefit programs
13 under this Act.

14 (e) Insurance rates and premiums. The Director shall
15 determine the insurance rates and premiums for TRS benefit
16 recipients and TRS dependent beneficiaries, and shall present
17 to the Teachers' Retirement System of the State of Illinois, by
18 April 15 of each calendar year, the rate-setting methodology
19 (including but not limited to utilization levels and costs)
20 used to determine the amount of the health care premiums.

21 For Fiscal Year 1996, the premium shall be equal to the
22 premium actually charged in Fiscal Year 1995; in subsequent
23 years, the premium shall never be lower than the premium
24 charged in Fiscal Year 1995.

25 For Fiscal Year 2003, the premium shall not exceed 110%
26 of the premium actually charged in Fiscal Year 2002.

1 For Fiscal Year 2004, the premium shall not exceed 112%
2 of the premium actually charged in Fiscal Year 2003.

3 For Fiscal Year 2005, the premium shall not exceed a
4 weighted average of 106.6% of the premium actually charged
5 in Fiscal Year 2004.

6 For Fiscal Year 2006, the premium shall not exceed a
7 weighted average of 109.1% of the premium actually charged
8 in Fiscal Year 2005.

9 For Fiscal Year 2007, the premium shall not exceed a
10 weighted average of 103.9% of the premium actually charged
11 in Fiscal Year 2006.

12 For Fiscal Year 2008 and thereafter, the premium in
13 each fiscal year shall not exceed 105% of the premium
14 actually charged in the previous fiscal year.

15 Rates and premiums may be based in part on age and
16 eligibility for federal medicare coverage. However, the cost of
17 participation for a TRS dependent beneficiary who is an
18 unmarried child age 19 or over and mentally or physically
19 disabled shall not exceed the cost for a TRS dependent
20 beneficiary who is an unmarried child under age 19 and
21 participates in the same major medical or managed care program.

22 The cost of health benefits under the program shall be paid
23 as follows:

24 (1) For a TRS benefit recipient selecting a managed
25 care program, up to 75% of the total insurance rate shall
26 be paid from the Teacher Health Insurance Security Fund.

1 Effective with Fiscal Year 2007 and thereafter, for a TRS
2 benefit recipient selecting a managed care program, 75% of
3 the total insurance rate shall be paid from the Teacher
4 Health Insurance Security Fund.

5 (2) For a TRS benefit recipient selecting the major
6 medical coverage program, up to 50% of the total insurance
7 rate shall be paid from the Teacher Health Insurance
8 Security Fund if a managed care program is accessible, as
9 determined by the Teachers' Retirement System. Effective
10 with Fiscal Year 2007 and thereafter, for a TRS benefit
11 recipient selecting the major medical coverage program,
12 50% of the total insurance rate shall be paid from the
13 Teacher Health Insurance Security Fund if a managed care
14 program is accessible, as determined by the Department of
15 Central Management Services.

16 (3) For a TRS benefit recipient selecting the major
17 medical coverage program, up to 75% of the total insurance
18 rate shall be paid from the Teacher Health Insurance
19 Security Fund if a managed care program is not accessible,
20 as determined by the Teachers' Retirement System.
21 Effective with Fiscal Year 2007 and thereafter, for a TRS
22 benefit recipient selecting the major medical coverage
23 program, 75% of the total insurance rate shall be paid from
24 the Teacher Health Insurance Security Fund if a managed
25 care program is not accessible, as determined by the
26 Department of Central Management Services.

1 (3.1) For a TRS dependent beneficiary who is Medicare
2 primary and enrolled in a managed care plan, or the major
3 medical coverage program if a managed care plan is not
4 available, 25% of the total insurance rate shall be paid
5 from the Teacher Health Security Fund as determined by the
6 Department of Central Management Services. For the purpose
7 of this item (3.1), the term "TRS dependent beneficiary who
8 is Medicare primary" means a TRS dependent beneficiary who
9 is participating in Medicare Parts A and B.

10 (4) Except as otherwise provided in item (3.1), the
11 balance of the rate of insurance, including the entire
12 premium of any coverage for TRS dependent beneficiaries
13 that has been elected, shall be paid by deductions
14 authorized by the TRS benefit recipient to be withheld from
15 his or her monthly annuity or benefit payment from the
16 Teachers' Retirement System; except that (i) if the balance
17 of the cost of coverage exceeds the amount of the monthly
18 annuity or benefit payment, the difference shall be paid
19 directly to the Teachers' Retirement System by the TRS
20 benefit recipient, and (ii) all or part of the balance of
21 the cost of coverage may, at the school board's option, be
22 paid to the Teachers' Retirement System by the school board
23 of the school district from which the TRS benefit recipient
24 retired, in accordance with Section 10-22.3b of the School
25 Code. The Teachers' Retirement System shall promptly
26 deposit all moneys withheld by or paid to it under this

1 subdivision (e)(4) into the Teacher Health Insurance
2 Security Fund. These moneys shall not be considered assets
3 of the Retirement System.

4 (5) If in any case an error is made in billing a TRS
5 benefit recipient under this Section, the Department shall
6 identify the error and refund the overpaid amount as soon
7 as practicable. A TRS benefit recipient who has overpaid
8 under this Section shall be entitled to a refund of
9 overpayments that shall become immediately payable to the
10 benefit recipient regardless of when the initial
11 overpayment was made. The Department shall take every step
12 to notify the benefit recipient of the overpayment and
13 shall make every effort to process and make the payment as
14 promptly as possible. The required payments under this
15 Section are retroactive for any previously made
16 overpayment that has not been paid out in accordance with
17 this Section for up to 7 years of past payments.

18 (f) Financing. Beginning July 1, 1995, all revenues arising
19 from the administration of the health benefit programs
20 established under Article 16 of the Illinois Pension Code or
21 this Section shall be deposited into the Teacher Health
22 Insurance Security Fund, which is hereby created as a
23 nonappropriated trust fund to be held outside the State
24 Treasury, with the State Treasurer as custodian. Any interest
25 earned on moneys in the Teacher Health Insurance Security Fund
26 shall be deposited into the Fund.

1 Moneys in the Teacher Health Insurance Security Fund shall
2 be used only to pay the costs of the health benefit program
3 established under this Section, including associated
4 administrative costs, and the costs associated with the health
5 benefit program established under Article 16 of the Illinois
6 Pension Code, as authorized in this Section. Beginning July 1,
7 1995, the Department of Central Management Services may make
8 expenditures from the Teacher Health Insurance Security Fund
9 for those costs.

10 After other funds authorized for the payment of the costs
11 of the health benefit program established under Article 16 of
12 the Illinois Pension Code are exhausted and until January 1,
13 1996 (or such later date as may be agreed upon by the Director
14 of Central Management Services and the Secretary of the
15 Teachers' Retirement System), the Secretary of the Teachers'
16 Retirement System may make expenditures from the Teacher Health
17 Insurance Security Fund as necessary to pay up to 75% of the
18 cost of providing health coverage to eligible benefit
19 recipients (as defined in Sections 16-153.1 and 16-153.3 of the
20 Illinois Pension Code) who are enrolled in the Article 16
21 health benefit program and to facilitate the transfer of
22 administration of the health benefit program to the Department
23 of Central Management Services.

24 The Department of Central Management Services, or any
25 successor agency designated to procure healthcare contracts
26 pursuant to this Act, is authorized to establish funds,

1 separate accounts provided by any bank or banks as defined by
2 the Illinois Banking Act, or separate accounts provided by any
3 savings and loan association or associations as defined by the
4 Illinois Savings and Loan Act of 1985 to be held by the
5 Director, outside the State treasury, for the purpose of
6 receiving the transfer of moneys from the Teacher Health
7 Insurance Security Fund. The Department may promulgate rules
8 further defining the methodology for the transfers. Any
9 interest earned by moneys in the funds or accounts shall inure
10 to the Teacher Health Insurance Security Fund. The transferred
11 moneys, and interest accrued thereon, shall be used exclusively
12 for transfers to administrative service organizations or their
13 financial institutions for payments of claims to claimants and
14 providers under the self-insurance health plan. The
15 transferred moneys, and interest accrued thereon, shall not be
16 used for any other purpose including, but not limited to,
17 reimbursement of administration fees due the administrative
18 service organization pursuant to its contract or contracts with
19 the Department.

20 (g) Contract for benefits. The Director shall by contract,
21 self-insurance, or otherwise make available the program of
22 health benefits for TRS benefit recipients and their TRS
23 dependent beneficiaries that is provided for in this Section.
24 The contract or other arrangement for the provision of these
25 health benefits shall be on terms deemed by the Director to be
26 in the best interest of the State of Illinois and the TRS

1 benefit recipients based on, but not limited to, such criteria
2 as administrative cost, service capabilities of the carrier or
3 other contractor, and the costs of the benefits.

4 (g-5) Committee. A Teacher Retirement Insurance Program
5 Committee shall be established, to consist of 10 persons
6 appointed by the Governor.

7 The Committee shall convene at least 4 times each year, and
8 shall consider and make recommendations on issues affecting the
9 program of health benefits provided under this Section.
10 Recommendations of the Committee shall be based on a consensus
11 of the members of the Committee.

12 If the Teacher Health Insurance Security Fund experiences a
13 deficit balance based upon the contribution and subsidy rates
14 established in this Section and Section 6.6 for Fiscal Year
15 2008 or thereafter, the Committee shall make recommendations
16 for adjustments to the funding sources established under these
17 Sections.

18 In addition, the Committee shall identify proposed
19 solutions to the funding shortfalls that are affecting the
20 Teacher Health Insurance Security Fund, and it shall report
21 those solutions to the Governor and the General Assembly within
22 6 months after August 15, 2011 (the effective date of Public
23 Act 97-386).

24 (h) Continuation of program. It is the intention of the
25 General Assembly that the program of health benefits provided
26 under this Section be maintained on an ongoing, affordable

1 basis.

2 The program of health benefits provided under this Section
3 may be amended by the State and is not intended to be a pension
4 or retirement benefit subject to protection under Article XIII,
5 Section 5 of the Illinois Constitution.

6 (i) Repeal. (Blank).

7 (Source: P.A. 100-1017, eff. 8-21-18; 101-483, eff. 1-1-20.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.