



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2168

Introduced 2/26/2021, 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.

LRB102 14449 RJF 19801 b

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
3 provided by the program previously established under Article
4 16 of the 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
11 for federal Medicare benefits, that are provided under
12 subsection (a) of Section 6 of this Act for other health
13 benefit programs 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,
18 by April 15 of each calendar year, the rate-setting
19 methodology (including but not limited to utilization levels
20 and costs) used to determine the amount of the health care
21 premiums.

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

26 For Fiscal Year 2003, the premium shall not exceed

1 110% of the premium actually charged in Fiscal Year 2002.

2 For Fiscal Year 2004, the premium shall not exceed
3 112% of the premium actually charged in Fiscal Year 2003.

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

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

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

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

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

24 The cost of health benefits under the program shall be
25 paid as follows:

26 (1) For a TRS benefit recipient selecting a managed

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

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

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

1 managed care program is not accessible, as determined by
2 the Department of Central Management Services.

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

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

1 the School Code. The Teachers' Retirement System shall
2 promptly deposit all moneys withheld by or paid to it
3 under this subdivision (e)(4) into the Teacher Health
4 Insurance Security Fund. These moneys shall not be
5 considered assets of the Retirement System.

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

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

1 earned on moneys in the Teacher Health Insurance Security Fund
2 shall be deposited into the Fund.

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

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

26 The Department of Central Management Services, or any

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

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

1 health benefits shall be on terms deemed by the Director to be
2 in the best interest of the State of Illinois and the TRS
3 benefit recipients based on, but not limited to, such criteria
4 as administrative cost, service capabilities of the carrier or
5 other contractor, and the costs of the benefits.

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

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

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

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

26 (h) Continuation of program. It is the intention of the

1 General Assembly that the program of health benefits provided
2 under this Section be maintained on an ongoing, affordable
3 basis.

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

8 (i) Repeal. (Blank).

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

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.