

Sen. Bill Brady

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Filed: 5/4/2005

09400HB0119sam001

LRB094 04130 LJB 45862 a

2 AMENDMENT NO. _____. Amend House Bill 119 by replacing 3 everything after the enacting clause with the following:

AMENDMENT TO HOUSE BILL 119

"Section 5. The State Employees Group Insurance Act of 1971 is amended by changing Sections 3 and 6 as follows:

6 (5 ILCS 375/3) (from Ch. 127, par. 523)

Sec. 3. Definitions. Unless the context otherwise requires, the following words and phrases as used in this Act shall have the following meanings. The Department may define these and other words and phrases separately for the purpose of implementing specific programs providing benefits under this Act.

- (a) "Administrative service organization" means any person, firm or corporation experienced in the handling of claims which is fully qualified, financially sound and capable of meeting the service requirements of a contract of administration executed with the Department.
- 18 (b) "Annuitant" means (1) an employee who retires, or has
 19 retired, on or after January 1, 1966 on an immediate annuity
 20 under the provisions of Articles 2, 14 (including an employee
 21 who has elected to receive an alternative retirement
 22 cancellation payment under Section 14-108.5 of the Illinois
 23 Pension Code in lieu of an annuity), 15 (including an employee
 24 who has retired under the optional retirement program

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established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois Pension Code; (2) any person who was receiving group insurance coverage under this Act as of March 31, 1978 by reason of his status as an annuitant, even though the annuity in relation to which such coverage was provided is a proportional annuity based on less than the minimum period of service required for a retirement annuity in the system involved; (3) any person not otherwise covered by this Act who has retired as a participating member under Article 2 of the Illinois Pension Code but is ineligible for the retirement annuity under Section 2-119 of the Illinois Pension Code; (4) the spouse of any person who is receiving a retirement annuity under Article 18 of the Illinois Pension Code and who is covered under a group health insurance program sponsored by a governmental employer other than the State of Illinois and who has irrevocably elected to waive his or her coverage under this Act and to have his or her spouse considered as the "annuitant" under this Act and not as a "dependent"; or (5) an employee who retires, or has retired, from a qualified position, as determined according to rules promulgated by the Director, under a qualified local government or a qualified rehabilitation facility or a qualified domestic violence shelter or service. (For definition of "retired employee", see (p) post).

(b-5) "New SERS annuitant" means a person who, on or after January 1, 1998, becomes an annuitant, as defined in subsection (b), by virtue of beginning to receive a retirement annuity under Article 14 of the Illinois Pension Code (including an employee who has elected to receive an alternative retirement cancellation payment under Section 14-108.5 of that Code in lieu of an annuity), and is eligible to participate in the basic program of group health benefits provided for annuitants under this Act.

(b-6) "New SURS annuitant" means a person who (1) on or

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after January 1, 1998, becomes an annuitant, as defined in subsection (b), by virtue of beginning to receive a retirement annuity under Article 15 of the Illinois Pension Code, (2) has not made the election authorized under Section 15-135.1 of the Illinois Pension Code, and (3) is eligible to participate in the basic program of group health benefits provided for annuitants under this Act.

- (b-7) "New TRS State annuitant" means a person who, on or after July 1, 1998, becomes an annuitant, as defined in subsection (b), by virtue of beginning to receive a retirement annuity under Article 16 of the Illinois Pension Code based on service as a teacher as defined in paragraph (2), (3), or (5) of Section 16-106 of that Code, and is eligible to participate in the basic program of group health benefits provided for annuitants under this Act.
- (c) "Carrier" means (1) an insurance company, a corporation organized under the Limited Health Service Organization Act or the Voluntary Health Services Plan Act, a partnership, or other nongovernmental organization, which is authorized to do group life or group health insurance business in Illinois, or (2) the State of Illinois as a self-insurer.
- 22 (d) "Compensation" means salary or wages payable on a regular payroll by the State Treasurer on a warrant of the 23 24 State Comptroller out of any State, trust or federal fund, or 25 by the Governor of the State through a disbursing officer of 26 the State out of a trust or out of federal funds, or by any Department out of State, trust, federal or other funds held by 27 28 the State Treasurer or the Department, to any person for 29 personal services currently performed, and ordinary or accidental disability benefits under Articles 2, 30 31 (including ordinary or accidental disability benefits under 32 the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or 33 Article 18 of the Illinois Pension Code, for disability 34

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- incurred after January 1, 1966, or benefits payable under the
 Workers' Compensation or Occupational Diseases Act or benefits
 payable under a sick pay plan established in accordance with
 Section 36 of the State Finance Act. "Compensation" also means
 salary or wages paid to an employee of any qualified local
 government or qualified rehabilitation facility or a qualified
 domestic violence shelter or service.
 - (e) "Commission" means the State Employees Group Insurance Advisory Commission authorized by this Act. Commencing July 1, 1984, "Commission" as used in this Act means the Commission on Government Forecasting and Accountability as established by the Legislative Commission Reorganization Act of 1984.
 - (f) "Contributory", when referred to as contributory coverage, shall mean optional coverages or benefits elected by the member toward the cost of which such member makes contribution, or which are funded in whole or in part through the acceptance of a reduction in earnings or the foregoing of an increase in earnings by an employee, as distinguished from noncontributory coverage or benefits which are paid entirely by the State of Illinois without reduction of the member's salary.
 - (g) "Department" means any department, institution, board, commission, officer, court or any agency of the State government receiving appropriations and having power to certify payrolls to the Comptroller authorizing payments of salary and wages against such appropriations as are made by the General Assembly from any State fund, or against trust funds held by the State Treasurer and includes boards of trustees of the retirement systems created by Articles 2, 14, 15, 16 and 18 of the Illinois Pension Code. "Department" also includes the Illinois Comprehensive Health Insurance Board, the Board of Examiners established under the Illinois Public Accounting Act, and the Illinois Finance Authority.
 - (h) "Dependent", when the term is used in the context of the health and life plan, means a member's spouse and any

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unmarried child (1) from birth to age 19 including an adopted 1 2 child, a child who lives with the member from the time of the 3 filing of a petition for adoption until entry of an order of 4 adoption, a stepchild or recognized child who lives with the 5 member in a parent-child relationship, or a child who lives with the member if such member is a court appointed guardian of 6 7 the child, or (2) age 19 to 23 enrolled as a full-time student in any accredited school, financially dependent upon the 8 member, and eligible to be claimed as a dependent for income 9 10 tax purposes, or (3) age 19 or over who is mentally or physically handicapped. For the health plan only, the term 11 "dependent" also includes any person enrolled prior to the 12 effective date of this Section who is dependent upon the member 13 14 to the extent that the member may claim such person as a 15 dependent for income tax deduction purposes; no other such person may be enrolled. For the health plan only, the term 16 17 "dependent" also includes any person who has received after 18 June 30, 2000 an organ transplant and who is financially 19 dependent upon the member and eligible to be claimed as a 20 dependent for income tax purposes.

- (i) "Director" means the Director of the Illinois
 Department of Central Management Services.
- (j) "Eligibility period" means the period of time a member has to elect enrollment in programs or to select benefits without regard to age, sex or health.
 - (k) "Employee" means and includes each officer or employee in the service of a department who (1) receives his compensation for service rendered to the department on a warrant issued pursuant to a payroll certified by a department or on a warrant or check issued and drawn by a department upon a trust, federal or other fund or on a warrant issued pursuant to a payroll certified by an elected or duly appointed officer of the State or who receives payment of the performance of personal services on a warrant issued pursuant to a payroll

1 certified by a Department and drawn by the Comptroller upon the 2 State Treasurer against appropriations made by the General 3 Assembly from any fund or against trust funds held by the State 4 Treasurer, and (2) is employed full-time or part-time in a 5 position normally requiring actual performance of duty during not less than 1/2 of a normal work period, as established by 6 7 the Director in cooperation with each department, except that 8 persons elected by popular vote will be considered employees during the entire term for which they are elected regardless of 9 10 hours devoted to the service of the State, and (3) except that "employee" does not include any person who is not eligible by 11 reason of such person's employment to participate in one of the 12 State retirement systems under Articles 2, 14, 15 (either the 13 14 regular Article 15 system or the optional retirement program 15 established under Section 15-158.2) or 18, or under paragraph (2), (3), or (5) of Section 16-106, of the Illinois Pension 16 17 Code, but such term does include persons who are employed 18 during the 6 month qualifying period under Article 14 of the 19 Illinois Pension Code. Such term also includes any person who 20 (1) after January 1, 1966, is receiving ordinary or accidental 21 disability benefits under Articles 2, 14, 15 (including ordinary or accidental disability benefits under the optional 22 23 retirement program established under Section 15-158.2), 24 paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois Pension Code, for disability incurred after 25 26 January 1, 1966, (2) receives total permanent or total temporary disability under the Workers' Compensation Act or 27 28 Occupational Disease Act as a result of injuries sustained or 29 illness contracted in the course of employment with the State of Illinois, or (3) is not otherwise covered under this Act and 30 31 has retired as a participating member under Article 2 of the 32 Illinois Pension Code but is ineligible for the retirement annuity under Section 2-119 of the Illinois Pension Code. 33 However, a person who satisfies the criteria of the foregoing 34

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definition of "employee" except that such person is made 1 2 ineligible to participate in the State Universities Retirement 3 System by clause (4) of subsection (a) of Section 15-107 of the 4 Illinois Pension Code is also an "employee" for the purposes of 5 this Act. "Employee" also includes any person receiving or eligible for benefits under a sick pay plan established in 6 7 accordance with Section 36 of the State Finance Act. "Employee" also includes each officer or employee in the service of a 8 qualified local government, including persons appointed as 9 10 trustees of sanitary districts regardless of hours devoted to the service of the sanitary district, and each employee in the 11 service of a qualified rehabilitation facility and each 12 full-time employee in the service of a qualified domestic 13 14 violence shelter or service, as determined according to rules 15 promulgated by the Director.

- (1) "Member" means an employee, annuitant, retired employee or survivor.
 - (m) "Optional coverages or benefits" means those coverages or benefits available to the member on his or her voluntary election, and at his or her own expense.
 - (n) "Program" means the group life insurance, health benefits and other employee benefits designed and contracted for by the Director under this Act.
- 24 (o) "Health plan" means a health benefits program offered 25 by the State of Illinois for persons eligible for the plan.
 - (p) "Retired employee" means any person who would be an annuitant as that term is defined herein but for the fact that such person retired prior to January 1, 1966. Such term also includes any person formerly employed by the University of Illinois in the Cooperative Extension Service who would be an annuitant but for the fact that such person was made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code.

- (q) "Survivor" means a person receiving an annuity as a 1 2 survivor of an employee or of an annuitant. "Survivor" also 3 includes: (1) the surviving dependent of a person who satisfies 4 the definition of "employee" except that such person is made 5 ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the 6 7 Illinois Pension Code; (2) the surviving dependent of any 8 person formerly employed by the University of Illinois in the Cooperative Extension Service who would be an annuitant except 9 10 for the fact that such person was made ineligible participate in the State Universities Retirement System by 11 clause (4) of subsection (a) of Section 15-107 of the Illinois 12 13 Pension Code; and (3) the surviving dependent of a person who 14 was an annuitant under this Act by virtue of receiving an 15 alternative retirement cancellation payment under Section 14-108.5 of the Illinois Pension Code. 16
- 17 (q-2) "SERS" means the State Employees' Retirement System
 18 of Illinois, created under Article 14 of the Illinois Pension
 19 Code.
- 20 (q-3) "SURS" means the State Universities Retirement 21 System, created under Article 15 of the Illinois Pension Code.
- 22 (q-4) "TRS" means the Teachers' Retirement System of the 23 State of Illinois, created under Article 16 of the Illinois 24 Pension Code.
- 25 (q-5) "New SERS survivor" means a survivor, as defined in 26 subsection (q), whose annuity is paid under Article 14 of the 27 Illinois Pension Code and is based on the death of (i) an 28 employee whose death occurs on or after January 1, 1998, or 29 (ii) a new SERS annuitant as defined in subsection (b-5). "New 30 SERS survivor" includes the surviving dependent of a person who 31 was an annuitant under this Act by virtue of receiving an alternative retirement cancellation payment under Section 32 14-108.5 of the Illinois Pension Code. 33
- 34 (q-6) "New SURS survivor" means a survivor, as defined in

- subsection (q), whose annuity is paid under Article 15 of the Illinois Pension Code and is based on the death of (i) an
- 3 employee whose death occurs on or after January 1, 1998, or
- 4 (ii) a new SURS annuitant as defined in subsection (b-6).
- 5 (q-7) "New TRS State survivor" means a survivor, as defined
- 6 in subsection (q), whose annuity is paid under Article 16 of
- 7 the Illinois Pension Code and is based on the death of (i) an
- 8 employee who is a teacher as defined in paragraph (2), (3), or
- 9 (5) of Section 16-106 of that Code and whose death occurs on or
- 10 after July 1, 1998, or (ii) a new TRS State annuitant as
- 11 defined in subsection (b-7).
- 12 (r) "Medical services" means the services provided within
- the scope of their licenses by practitioners in all categories
- licensed under the Medical Practice Act of 1987.
- 15 (s) "Unit of local government" means any county,
- 16 municipality, township, school district (including a
- 17 combination of school districts under the Intergovernmental
- 18 Cooperation Act), special district or other unit, designated as
- 19 a unit of local government by law, which exercises limited
- 20 governmental powers or powers in respect to limited
- 21 governmental subjects, any not-for-profit association with a
- 22 membership that primarily includes townships and township
- officials, that has duties that include provision of research
- 24 service, dissemination of information, and other acts for the
- 25 purpose of improving township government, and that is funded
- 26 wholly or partly in accordance with Section 85-15 of the
- 27 Township Code; any not-for-profit corporation or association,
- with a membership consisting primarily of municipalities, that
- 29 operates its own utility system, and provides research,
- 30 training, dissemination of information, or other acts to
- 31 promote cooperation between and among municipalities that
- 32 provide utility services and for the advancement of the goals
- 33 and purposes of its membership; the Southern Illinois
- 34 Collegiate Common Market, which is a consortium of higher

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education institutions in Southern Illinois; and the Illinois 1 Association of Park Districts; and qualified human services 2 3 providers. For the purposes of this subsection (s), "qualified human services provider" means any provider of human services 4 5 that is certified by the Department of Human Services to provide human services; that receives an average of at least 6 7 51% of its operating funds from the State of Illinois for providing those services for the 3 fiscal years prior to the 8 provider's application for coverage, approved by the Director; 9 10 and that continues to receive on an annual basis at least 51% of its operating funds from the State after approval of its 11 application. "Qualified local government" means a unit of local 12 13 government approved by the Director and participating in a program created under subsection (i) of Section 10 of this Act. 14 15 The changes made to this subsection (s) by this amendatory Act of the 94th General Assembly are inoperative after December 31, 16 2009. 17

- "Qualified rehabilitation facility" means (t) any not-for-profit organization that is accredited by the Commission on Accreditation of Rehabilitation Facilities or certified by the Department of Human Services (as successor to Department of Mental Health and Developmental the Disabilities) to provide services to persons with disabilities and which receives funds from the State of Illinois for providing those services, approved by the Director and participating in a program created under subsection (j) of Section 10 of this Act.
- (u) "Qualified domestic violence shelter or service" means any Illinois domestic violence shelter or service and its administrative offices funded by the Department of Human Services (as successor to the Illinois Department of Public Aid), approved by the Director and participating in a program created under subsection (k) of Section 10.
 - (v) "TRS benefit recipient" means a person who:

- (1) is not a "member" as defined in this Section; and
- (2) is receiving a monthly benefit or retirement annuity under Article 16 of the Illinois Pension Code; and
- (3) either (i) has at least 8 years of creditable service under Article 16 of the Illinois Pension Code, or (ii) was enrolled in the health insurance program offered under that Article on January 1, 1996, or (iii) is the survivor of a benefit recipient who had at least 8 years of creditable service under Article 16 of the Illinois Pension Code or was enrolled in the health insurance program offered under that Article on the effective date of this amendatory Act of 1995, or (iv) is a recipient or survivor of a recipient of a disability benefit under Article 16 of the Illinois Pension Code.
- (w) "TRS dependent beneficiary" means a person who:
- (1) is not a "member" or "dependent" as defined in this Section; and
- dependent parent who is receiving at least half of his or her support from the TRS benefit recipient, or (C) unmarried natural or adopted child who is (i) under age 19, or (ii) enrolled as a full-time student in an accredited school, financially dependent upon the TRS benefit recipient, eligible to be claimed as a dependent for income tax purposes, and either is under age 24 or was, on January 1, 1996, participating as a dependent beneficiary in the health insurance program offered under Article 16 of the Illinois Pension Code, or (iii) age 19 or over who is mentally or physically handicapped.
- (x) "Military leave with pay and benefits" refers to individuals in basic training for reserves, special/advanced training, annual training, emergency call up, or activation by the President of the United States with approved pay and benefits.

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- (y) "Military leave without pay and benefits" refers to individuals who enlist for active duty in a regular component of the U.S. Armed Forces or other duty not specified or authorized under military leave with pay and benefits.
- (z) "Community college benefit recipient" means a person who:
 - (1) is not a "member" as defined in this Section; and
 - is receiving a monthly survivor's annuity or retirement annuity under Article 15 of the Illinois Pension Code; and
 - (3) either (i) was a full-time employee of a community college district or an association of community college boards created under the Public Community College Act (other than an employee whose last employer under Article 15 of the Illinois Pension Code was a community college district subject to Article VII of the Public Community College Act) and was eligible to participate in a group health benefit plan as an employee during the time of employment with a community college district (other than a community college district subject to Article VII of the Public Community College Act) or an association of community college boards, or (ii) is the survivor of a person described in item (i).
 - (aa) "Community college dependent beneficiary" means a person who:
 - (1) is not a "member" or "dependent" as defined in this Section; and
 - (2) is a community college benefit recipient's: (A) spouse, (B) dependent parent who is receiving at least half of his or her support from the community college benefit recipient, or (C) unmarried natural or adopted child who is (i) under age 19, or (ii) enrolled as a full-time student in an accredited school, financially dependent upon the community college benefit recipient, eligible to be

- 1 claimed as a dependent for income tax purposes and under
- 2 age 23, or (iii) age 19 or over and mentally or physically
- 3 handicapped.
- 4 (Source: P.A. 92-16, eff. 6-28-01; 92-186, eff. 1-1-02; 92-204,
- 5 eff. 8-1-01; 92-651, eff. 7-11-02; 93-205, eff. 1-1-04; 93-839,
- 6 eff. 7-30-04; 93-1067, eff. 1-15-05.)
- 7 (5 ILCS 375/6) (from Ch. 127, par. 526)
- 8 Sec. 6. Program of health benefits.
- 9 (a) The program of health benefits shall provide for
- 10 protection against the financial costs of health care expenses
- 11 incurred in and out of hospital including basic
- 12 hospital-surgical-medical coverages. The program may include,
- 13 but shall not be limited to, such supplemental coverages as
- 14 out-patient diagnostic X-ray and laboratory expenses,
- 15 prescription drugs, dental services, hearing evaluations,
- 16 hearing aids, the dispensing and fitting of hearing aids, and
- 17 similar group benefits as are now or may become available.
- 18 However, nothing in this Act shall be construed to permit, on
- or after July 1, 1980, the non-contributory portion of any such
- 20 program to include the expenses of obtaining an abortion,
- 21 induced miscarriage or induced premature birth unless, in the
- opinion of a physician, such procedures are necessary for the
- 23 preservation of the life of the woman seeking such treatment,
- 24 or except an induced premature birth intended to produce a live
- viable child and such procedure is necessary for the health of
- 26 the mother or the unborn child. The program may also include
- 27 coverage for those who rely on treatment by prayer or spiritual
- 28 means alone for healing in accordance with the tenets and
- 29 practice of a recognized religious denomination.
- The program of health benefits shall be designed by the
- 31 Director (1) to provide a reasonable relationship between the
- 32 benefits to be included and the expected distribution of
- 33 expenses of each such type to be incurred by the covered

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members and dependents, (2) to specify, as covered benefits and as optional benefits, the medical services of practitioners in all categories licensed under the Medical Practice Act of 1987, to include reasonable controls, which may include deductible and co-insurance provisions, applicable to some or all of the benefits, or a coordination of benefits provision, to prevent or minimize unnecessary utilization of the various hospital, surgical and medical expenses to be provided and to provide reasonable assurance of stability of the program, and (4) to provide benefits to the extent possible to members throughout the State, wherever located, on an equitable basis, and (5) to provide, to members in each geographic region of the State, a selection of at least 2 plans for the coverage of vision services available in that region and a selection of at <u>least 2 plans for the coverage of dental services available in</u> that region. Notwithstanding any other provision of this Section or Act, for all members or dependents who are eligible for benefits under Social Security or the Railroad Retirement system or who had sufficient Medicare-covered government employment, the Department shall reduce benefits which would otherwise be paid by Medicare, by the amount of benefits for which the member or dependents are eligible under Medicare, except that such reduction in benefits shall apply only to those members or dependents who (1) first become eligible for such medicare coverage on or after the effective date of this amendatory Act of 1992; or (2) are Medicare-eligible members or dependents of a local government unit which began participation in the program on or after July 1, 1992; or (3) remain eligible for but no longer receive Medicare coverage which they had been receiving on or after the effective date of this amendatory Act of 1992.

Notwithstanding any other provisions of this Act, where a covered member or dependents are eligible for benefits under the federal Medicare health insurance program (Title XVIII of

the Social Security Act as added by Public Law 89-97, 89th 1 2 Congress), benefits paid under the State of Illinois program or 3 plan will be reduced by the amount of benefits paid by 4 Medicare. For members or dependents who are eligible for 5 benefits under Social Security or the Railroad Retirement system or who had sufficient Medicare-covered government 6 7 employment, benefits shall be reduced by the amount for which 8 the member or dependent is eligible under Medicare, except that such reduction in benefits shall apply only to those members or 9 10 dependents who (1) first become eligible for such Medicare coverage on or after the effective date of this amendatory Act 11 of 1992; or (2) are Medicare-eligible members or dependents of 12 13 a local government unit which began participation in the program on or after July 1, 1992; or (3) remain eligible for, 14 15 but no longer receive Medicare coverage which they had been receiving on or after the effective date of this amendatory Act 16 of 1992. Premiums may be adjusted, where applicable, to an 17 18 amount deemed by the Director to be reasonably consistent with 19 any reduction of benefits.

(b) A member, not otherwise covered by this Act, who has retired as a participating member under Article 2 of the Illinois Pension Code but is ineligible for the retirement annuity under Section 2-119 of the Illinois Pension Code, shall pay the premiums for coverage, not exceeding the amount paid by the State for the non-contributory coverage for other members, under the group health benefits program under this Act. The Director shall determine the premiums to be paid by a member under this subsection (b).

29 (Source: P.A. 93-47, eff. 7-1-03.)

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30 Section 99. Effective date. This Act takes effect upon 31 becoming law.".