

## Rules

October 12, 2017

### PERS

- 145-1-01 Organization (No Change)
- 145-1-02 Election of board members (No change)
- 145-1-03 Board travel and expense reimbursement policy (No change)
- 145-2-15 Cincinnati retirement system

### SHPRS

- 5505-7-04 Health care

145-1-01                    **Organization.****(A) Offices**

- (1) The general offices of the public employees retirement board and its address of record is "277 East Town Street, Columbus, Ohio 43215-4642."
- (2) The location of the office may be changed or additional offices may be established or closed by appropriate board resolution.

**(B) Meetings**

- (1) Regular meetings shall be held at nine a.m. on the third Wednesday of each calendar month. The date and hour of a regular meeting may be changed by appropriate board resolution.
- (2) Special meetings may be held at the call of the chair, or in the event of the chair's incapacity, at the call of the vice chair. Should both the chair and vice chair be incapacitated, a special meeting of the board may be called by any two members of the board.
- (3) The January meeting in each year shall be the annual meeting, at which time as the first order of new business, the board shall elect from its members a chair and a vice chair who shall take office immediately following their election. The chair-elect shall announce committee appointments for the coming year no later than the regular February meeting. The composition of the committees shall remain the same until the new appointments. New board members and re-elected board members shall be sworn in at the annual meeting.
- (4) The director of administrative services may designate a member of such individual's staff to act on the board in such individual's absence, provided the person designated is not disqualified by operation of law to act as such a representative.
- (5) A majority of the actual number of members that have been elected or appointed to and are serving on the board at the time of a meeting where official action is to be taken constitutes a quorum to conduct a meeting. A majority of those members present and voting yes on a proposal shall constitute a favorable vote. An abstention from voting shall not be counted as either an affirmative or negative vote, and a member who abstains shall not be counted as a member present to determine whether a majority needed for a favorable vote has been reached. A roll call shall occur if there is a division in the vote. Any board member may request a roll call on any vote.

(6) The regular order of business for any meeting of the board shall be as follows:

- (a) Roll call. An employee or retirant member of the board not able to be present may request to be excused. A request to be excused shall be moved by the chair and voted on by the board.
- (b) Items of business as presented on a written agenda sent to each board member, and made available to the public, prior to the meeting and such other items that may arise between the release date of the written agenda and the meeting date.
- (c) Announcement of next regular or special meeting date, hour and place.
- (d) Adjournment.
- (e) Without objection, the regular order of business may be changed by the chair or upon the request of a board member. If there is an objection, a motion, second and vote to consider an item out of turn is in order.

(7) When a question of parliamentary procedure arises, the most current edition of "Robert's Rules of Order" shall be followed unless in conflict with Chapter 145. of the Revised Code, or this rule.

(8) The minutes shall be the record of the proceedings of the board. Draft copies of the written minutes shall be circulated to the board in advance of each meeting. After approval, the final form shall be inserted in the minutes book of the board.

(C) Officers and their duties

(1) The chair shall be elected and take office at the annual meeting in January of each year for a one-year term. The chair shall be the voice of the board and shall preside at all board meetings. The chair may call upon the vice chair to preside during a meeting. The chair shall appoint committees; make the determination whether a special meeting of the board is required; and when required, call the meeting. The chair shall present to the board for a vote the member's request to be excused for members unable to attend meetings.

(2) The vice chair shall be elected and take office at the annual meeting in January of each year for a one-year term. The vice chair shall succeed to the chair in the event of the resignation, retirement or death of the chair. The vice chair shall preside in the event of the absence or incapacity of the chair or upon the request of the chair.

- (3) Under the direction of the chair, the executive director or other designated person shall keep the minutes of board proceedings.
- (4) Other officers of the board shall include the chairs of standing or special committees.

(D) Committees

- (1) The investment committee shall consist of all board members. The chair of the investment committee shall be appointed by the board chair. The investment committee shall, through its chair and its written reports, make recommendations to the board on investment related policies and actions. Meetings of the investment committee will be held on the Tuesday before the third Wednesday of each calendar month, however, such meetings may be changed by vote of the committee.
- (2) The personnel and salary review committee shall consist of an odd number of board members up to a maximum of seven members. The exact number of members on the committee, the committee chair, and members shall be determined and appointed by the board chair. This committee shall meet at the call of its chair, as occasion requires, to review compensation and personnel matters and to make recommendations through its chair and reports to the board on these matters.
- (3) The audit committee shall consist of five members: the board chair, the director of administrative services, an employee member appointed by the board chair, a retirant member appointed by the board chair, and one additional member appointed by the board chair. The board chair shall make appointments to the committee by considering the accounting, finance, or business management background of the board members. This committee shall meet twice annually, and at any other time at the call of the board chair, to review audit plans and audit findings of the retirement system's independent and/or internal auditors. The committee shall, through the board chair, make its reports to the board. The committee shall prepare and submit an annual report of its activities to the Ohio retirement study council.
- (4) Appointments of the committee chairs and appointments of members to the regular committees listed are concurrent with the board chair who makes the appointment.
- (5) The chair of the board may, at times as required, appoint temporary or special committees for such purposes as the chair deems necessary. The chair of a temporary or special committee shall be announced when the members

are named. Unless otherwise stated for a shorter period in the appointment, temporary or special committee appointments shall be concurrent with the board chair who makes such appointment.

- (6) The minutes shall be the record of the proceedings of a committee or subcommittee. Draft copies of the written minutes shall be circulated to the committee or subcommittee for approval. After approval, the final form shall be inserted in the minutes book of the board.

Five Year Review (FYR) Dates: 9/21/2017 and 09/21/2022

CERTIFIED ELECTRONICALLY

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Certification

09/21/2017

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Date

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4/30/94, 6/1/96, 7/6/00, 1/5/01, 3/22/02, 12/24/04,  
11/30/07, 10/1/09 (Emer.), 1/1/10, 1/1/14

145-1-02

**Election of board members.****(A) Notifications**

- (1) At its regular March meeting in each year that an election of members to the board is required the public employees retirement board shall establish an election time schedule. The schedule shall establish the first Monday in October as the date and place for the election count to be conducted under the supervision of the secretary of state's office.
- (2) This schedule shall include the release of news articles to interested employee and employer organizations and other interested parties, a preliminary notice to employers, the mailing of notice of elections and nominating petitions, the last date for receipt of nominating petitions and required forms, the date of the meeting at which the board shall certify candidates for election, the date by which voting materials must be mailed to eligible voters at their home addresses, and the final date for receipt of votes.

**(B) Nominations**

- (1) Candidates for board members shall be nominated by petition on forms provided by the public employees retirement system.
- (2)
  - (a) Petitions and required forms for candidates as an employee representative on the board shall be mailed to employers by the system with the notice of election posters not later than the thirtieth day of June. At that time petitions and required forms may be sent to members who have requested them.
  - (b) Any member, except a member receiving a disability benefit pursuant to sections 145.35 and 145.36 of the Revised Code, who is not otherwise ineligible under Chapter 145. of the Revised Code, may be nominated to represent the employee group to which the member belongs by submitting petitions that contain at least five hundred valid nominating signatures. Petitions for an employee representative candidate shall contain not less than twenty signatures of members from each of at least ten counties in Ohio. The member's place of employment shall determine the county for such member.
  - (c) Members shall be eligible to sign a petition for an employee representative candidate if they are contributing members under an employing unit

which would be represented by the candidate as of June thirtieth of the election year.

(3)

- (a) A notice of election procedures shall be sent to retirants at their home addresses of record with, or at the same time that, the June benefit payment is released in the year of a retirant representative election. Petitions and required forms for candidates as the retirant representative board member shall be sent, to retirants who have requested them, on the date set by the board pursuant to paragraph (A) of this rule; however, such date shall be no later than June thirtieth.
- (b) Any retirant, who is not otherwise ineligible under Chapter 145. of the Revised Code, may be nominated to represent the retirant group with petitions which contain at least two hundred fifty valid nominating signatures. Petitions for a retirant representative candidate shall contain not less than ten signatures of retirants from each of at least five counties in Ohio. The retirant's place of residence shall determine the county of such retirant.
- (c) Individuals shall be eligible to sign a petition for a retirant representative candidate if they are retirants eligible to receive a monthly benefit as of July first of the election year.

(4)

- (a) Petitions and completed required forms for a candidate shall be received by the system no later than the petition filing date established by the board in the election time schedule. A petition received after such date is invalid.
- (b) Petition signatures shall be verified based on records of the retirement system and the requirements of Chapter 145. of the Revised Code. Signatures that cannot be conclusively verified shall not be counted.
- (c) The board shall certify qualified candidates for election. A qualified candidate is an individual who meets the requirements of Chapter 145. of the Revised Code and this rule as established by the records of the system. Based on the certification, the names of qualified candidates shall be placed on the ballot for election.

### (C) Voting

- (1) The board may conduct an election by paper ballots or through electronic methods.



(2)

(a) Voting materials for each voting member or retirant of the system shall include a list of candidates, a biographical statement for each candidate, voting instructions, a disclaimer that neither the board nor the system endorses any particular candidate or statement, and any other materials the board deems necessary.

(b)

(i) The biographical statement of a candidate shall be completed on a template provided by the system. The template shall provide for the candidate's name and county of residence, and may include an email address, website address, and telephone number. The employee representative candidate(s) shall also indicate the current public employer and job title.

The biographical statement of a candidate shall include a brief description of current or prior work and relevant industry knowledge or specific experience. The biographical statement shall not exceed two hundred words. The candidate must provide an affidavit signed by the candidate verifying the accuracy and truthfulness of the statement. The board reserves the right to edit such statement for length or inappropriate content with notice to the candidate.

(ii) In addition, a candidate must provide a disclaimer on or with any written or spoken campaign material that neither the board nor the system endorses any particular candidate or statement, and submit such materials to staff to pre-approve the disclaimer prior to disseminating.

(3) If a candidate is elected by a margin of less than one percent of the votes cast, a recount will automatically be conducted.

(4) In the event there is a tie vote, the vote shall be decided by a coin toss. Certification of the election results shall be provided by the secretary of state at the office of the system.

(D) Protests

(1)

- (a) An individual who fails to obtain sufficient valid nominating signatures by the petition filing date may file a protest on the insufficiency of such individual's petitions. The protest shall be in writing and received by the system no later than five calendar days after notice of the insufficiency.
- (b) A protest shall be heard at the board's next meeting. The individual may be represented by legal counsel at the hearing and may present any information and/or documents relevant to the protest for the board's consideration. The executive director shall notify the individual in writing of the board's decision. If the board determines that the protest is valid, it shall certify the individual for that representative group election.
- (c) Once the board makes a determination of a protest on the sufficiency of an individual's petitions, neither the insufficiency nor determination shall be the basis for any other protest to the board pertaining to that individual. The board's decision is final.

## (2)

- (a) An unsuccessful candidate in an election may file a protest in the candidate's representative group election. This protest shall be in writing and received by the system no later than five calendar days after notice of the unofficial election results.
- (b) A protest shall be heard at the board's next meeting.
  - (i) The protesting candidate may be represented by legal counsel at the hearing. The successful candidate may appear, and may be represented by legal counsel. The protesting candidate and the successful candidate may submit any information and/or documents relevant to the protest for the board's consideration.
  - (ii) The executive director shall notify the protesting candidate in writing of the board's decision.
  - (iii) If the board determines that the protest is valid, it shall declare the election for that representative group void, and the position vacant. A new election for that representative group shall be held pursuant to division (C) of section 145.06 of the Revised Code. The board's decision is final.

## (E) Vacancies

- (1) Except as provided in this paragraph, if a vacancy occurs in the term of an employee member or retirant member of the board, the remaining retirement board members shall determine the schedule and manner in which they will select a successor member. The board is not required to elect a successor member for a vacancy that occurs on or after the first day of October of the year in which the vacated term ends, as described in section 145.06 of the Revised Code.
  - (a) The board shall notify the membership or retirant group affected by the vacancy in the same manner as is done for elections of retirement board members. This notice shall state the procedure for candidates for the vacancy to submit their names to the board, and the procedures for selection by the board of the candidate to fill the vacancy. Candidates shall qualify under the same eligibility requirements as the predecessor in office.
  - (b) The board shall select a successor member from those names submitted to it. A successor member shall be selected by a majority vote in which successive ballots shall occur until one candidate receives a majority. However, in the event there is a tie vote, the vote shall be decided by a coin toss.
- (2) If a vacancy occurs because an individual is unable to assume the office at the January meeting of the board following the individual's election, the board shall conduct a new election as provided in this rule, except that the time schedule for the election shall occur in order to comply with section 145.06 of the Revised Code.
- (3) All documents regarding filling the vacancy, including resumes and forms required by the system, shall be made available to any person upon request and payment of the costs of compiling, copying, and mailing the documents.

Five Year Review (FYR) Dates: 9/21/2017 and 09/21/2022

CERTIFIED ELECTRONICALLY

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Certification

09/21/2017

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Date

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10/7/01, 6/20/03, 4/10/05, 11/30/07, 5/27/10, 12/10/12

145-1-03

**Board travel and expense reimbursement policy.**

(A)

(1) As provided in section 145.08 of the Revised Code and this rule, members of the public employees retirement board described in section 145.04 of the Revised Code shall be reimbursed by the public employees retirement system for travel expenses incurred for retirement system business that are:

(a) Actual, necessary and reasonable, and

(b)

(i) Incurred during attendance at meetings of the retirement board or its committees, or,

(ii) At meetings, conferences, seminars, workshops or sessions presented by other organizations and other group meetings as authorized by the retirement board.

(2) Meetings shall provide education to board members, be necessary for the performance of their duties, be appropriate to the general purpose of the retirement system and be in the interest of the retirement system's participants.

(3) "Actual, necessary and reasonable expenses" mean expenses which are incurred, appropriate in the circumstances, and within prudent judgment.

(B) Travel expenses for approved travel that are reimbursable from the retirement system include, but are not limited to, the following:

(1) Transportation

(a) Travel by common carrier shall be reimbursed in an amount limited to the actual cost of a coach or economy class ticket, except if no such ticket is available and the travel is necessary then at the actual cost of the available ticket.

(b) In-state travel by personal vehicle shall be reimbursed for mileage at the established reimbursable rate. Out-of-state travel by personal vehicle shall be reimbursed at the lesser of "portal to portal" or "air travel cost."

(i) "Portal to portal" expenditures for this calculation include the actual cost of lodging, meals, parking at place of lodging in route, and mileage at the established reimbursable rate.

- (ii) "Air travel cost" expenditures for this calculation include the actual cost of a thirty-day advance coach air fare, airport parking, transportation from the airport to destination lodging, and mileage between home and the airport at the established reimbursable rate.
  - (c) The cost of a rental automobile if it is a reasonable alternative means of transportation under the circumstances.
  - (d) The cost of parking for a personal or rental vehicle if necessary and required.
  - (e) The cost of taxi cabs or public transportation where reasonable under the circumstances.
- (2) Lodging at the single occupancy rate.
- (3) Meals and beverages, excluding alcohol, at reasonable amounts not to exceed limits set by the board.
- (4) Tips based on reasonable and customary amounts, not to exceed limits set by the board.
- (5)
  - (a) Telephone calls or other electronic transmissions that are for retirement system business.
  - (b) Personal telephone calls to home/family when travel will require an overnight stay and then such calls must not exceed limits set by the retirement board.
- (C) Reimbursement shall not be made for personal expenditures which include, but are not limited to, the following:
  - (1) Entertainment such as movies, theater or sports tickets, or green fees.
  - (2) Personal services such as valet service, laundry or dry cleaning, or other such goods or services. However, if travel is seven days or longer, reasonable laundry and dry cleaning expenses may be reimbursed.
- (D)
  - (1) The board, at a regular or other meeting, shall approve in advance all travel for its board members except travel:

- (a) To and from meetings of the board or its committees or other retirement system business within the state of Ohio, or
    - (b) For which a board member will not seek reimbursement.
  - (2) Requests for travel authorization shall be made in writing and submitted to the executive director who shall present the request to the board at its next meeting.
  - (3) A board member shall not be reimbursed for any expense if the travel for which the expense was incurred was not for system business, or the travel has not been authorized by the board.
- (E) Requests for reimbursement of expenses for travel shall be submitted with the required documentation on a form provided by the system and in accordance with the system's reimbursement procedures.

Five Year Review (FYR) Dates: 9/21/2017 and 09/21/2022

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09/21/2017

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Date

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Rule Amplifies: 145.08  
Prior Effective Dates: 12/9/95, 4/10/05, 11/30/07



145-2-15                    **Cincinnati retirement system.**

- (A) This rule amplifies sections 145.2910, 145.2911, and 145.2912 of the Revised Code.
- (B) "Eligible service credit" means service earned under this system or the Cincinnati retirement system or military service credit purchased or obtained in this system or the Cincinnati retirement system.
- (C)
- (1) A member of this system, who is eligible to obtain eligible service credit in this system for service credit with the Cincinnati retirement system, shall make a request to obtain credit for such service on a form provided by this system.
  - (2) Except as otherwise provided in this rule, a member shall make payments required under division (C)(~~34~~)(a) of section 145.2911 of the Revised Code pursuant to rule 145-1-35 or 145-1-38 of the Administrative Code. A member may use an eligible rollover distribution for such payments as allowed by rule 145-1-37 of the Administrative Code.
  - (3) Service credit for a member who obtains credit pursuant to section 145.2911 of the Revised Code and this rule shall ~~accrue in be the same amount as described in section 145.016 of the Revised Code certified by the Cincinnati retirement system~~ upon payment of the following amounts:
    - (a) Any required amounts due from the member under section 145.2911 of the Revised Code and this rule; and,
    - (b) The required amounts due from the Cincinnati retirement system under division (C)(~~34~~)(b) of section 145.2911 of the Revised Code.
  - (4) If the Cincinnati retirement system fails to transfer those amounts required under division (C)(~~34~~)(b) of section 145.2911 of the Revised Code, this system shall notify the member, and shall not grant the service credit.
- (D)
- (1) This system shall transfer those amounts required under section 145.2912 of the Revised Code for a member or former member of this system, who is eligible to obtain eligible service credit in the Cincinnati retirement system for service credit with this system pursuant to section 145.2912 of the Revised Code, after:
    - (a) Receiving notification from the Cincinnati retirement system that the member has requested such transfer;

(b) The member has paid any required amounts to this system; and,

(c) This system has notified the member.

(2) If a member's request for a transfer under division (A)(34)(a) of section 145.2912 of the Revised Code is for less than the member's total eligible service credit with this system, any benefits or payments to which the member or the member's beneficiary or beneficiaries may be entitled shall be based on the remaining service credit with this system.

(E) A member who purchases or transfers credit under section 145.2912 of the Revised Code shall receive service credit in the public employees retirement system as follows:

(1) For service earned as a police officer under the Cincinnati retirement system, the service credit shall be treated as if it was earned in this system as a law enforcement officer.

(2) For all other service earned under the Cincinnati retirement system, the service credit shall be treated as if it was earned in this system as a member who is not a law enforcement or public safety officer.

(F) This paragraph applies to purchases and transfers initiated after January 7, 2013. The member's effective date of retirement or disability benefit shall be no earlier than the first day of the month following receipt by the retirement system of the first partial payment or total payment, if paid in full in one payment. The member's effective date of retirement or disability benefit shall be no later than the first day of the month following the ninetieth day after receipt by the retirement system of the first partial payment or total payment, if paid in full by one payment. If the member fails to retire, or terminate employment for purposes of a disability benefit, before the ninetieth day after the first partial payment or total payment is received, the retirement system shall return the amount paid by the member to the member. If the payment was transmitted to the retirement system by a financial institution, the amount received by the retirement system shall be deposited in accordance with section 145.62 of the Revised Code or returned to the financial institution.

(G) Any payments made by a member to purchase credit pursuant to section 145.2910, 145.2911, or 145.2912 of the Revised Code shall not be refunded to a member except as authorized or required under those sections or section 145.40 of the Revised Code.

Effective:

Five Year Review (FYR) Dates: 9/29/2021

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Certification

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Date

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01/01/2007, 04/06/2007 (Emer.), 07/01/2007,  
01/07/2013 (Emer.), 03/24/2013

5505-7-04

**Health care.**

(A) For the purpose of this rule:

- (1) "Age and service retiree" 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 retiree or disability retiree that is receiving a pension benefit as described in division (A)(1) of section 5505.17 of the Revised Code that qualifies for health care coverage pursuant to paragraph (C) of this rule. Benefit recipient does not include a member participating in the Deferred Retirement Option Program.
- (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 retiree" 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 (D) or (E) of this rule.
- (7) "Member" shall have the same meaning as division (J) of section 5505.01 of the Revised Code.
- (8) "Retiree" shall mean an age and service retiree or disability retiree.
- (9) "Spouse" shall mean a wife or husband of a retiree or member as set forth in a statutorily-valid certificate.
- (10) "Eligible Plan" shall mean:
  - (a) For a benefit recipient or eligible dependent that is enrolled in medicare part A and medicare part B, a medicare advantage plan.
  - (b) For those benefit recipients or eligible dependents other than those described in paragraphs (A)(10)(a) and (A)(10)(c) of this rule, any medical or prescription drug plan, other than a medicare advantage plan, offered pursuant to section 5505.28 of the Revised Code.
  - (c) Eligible plan does not include any dental or vision plan.

(11) "Service Credit" shall include:

(a) Credit earned as an employee as defined by division (A) of section 5505.01 of the Revised Code;

(b) Military service credit purchased pursuant to division (D) of section 5505.16 of the Revised Code; and

(c) Credit granted under section 5505.201 of the Revised Code.

(B) Benefit recipients and eligible dependents may enroll an eligible 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.

(5) Notwithstanding any other provision of this rule, any benefit recipient or eligible dependent that is or becomes employed by the state highway patrol in any capacity shall be ineligible for health care or prescription drug coverage.

(C) The following benefit recipients shall be eligible for health care:

(1) Except as provided in division (C)(3) of this rule, a benefit recipient that began receiving a pension pursuant to division (A)(1) of section 5505.17 or elects to participate in the deferred retirement option plan pursuant to section 5505.51 before January 1, 2020;

(2) Except as provided in division (C)(3) for this rule, a benefit recipient that began receiving a pension pursuant to division (A)(1) of section 5505.17 of the Revised Code or elects to participate in the deferred retirement option plan pursuant to section 5505.51 of the Revised Code on or after January 1, 2020 shall be eligible for health care coverage only if he or she has twenty or more years of service credit;

(3) A benefit recipient granted a disability pursuant to division (B)(1) of section 5505.18 of the Revised Code.

(D) 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) Effective January 1, 2018, a child who is 18 up to 26 years of age is not an eligible dependent if he or she has access to any medical and/or prescription coverage through employment, a biological or step-parent, a spouse, military service, or a college or university regardless of cost. For the purpose of this division, access to medical and/or prescription coverage includes receiving a payment, stipend, or other remuneration of any kind.

(b) 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.

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

(1)

(a) the retirant or member was eligible to be a benefit recipient at the time of death;

(b) if the retirant or member was not eligible to be a benefit recipient at the time of death, the date in which the member would have been eligible to enroll pursuant to division (C) of this rule; and

(c) the dependent is eligible to enroll pursuant to division (D) of this rule.

(2) A child for whom a retirant or member has been legally appointed as guardian, who would have been eligible to enroll pursuant to division (C) of this rule, may obtain or continue coverage, provided the spouse elects to continue coverage if:

(a) 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; and

(b) the child would be eligible pursuant to division (D) of this rule.

(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.

(4) The service credit requirements included in division (C)(2) of this rule do not apply to the dependent of a member killed in the line of duty.

(F) 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 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. Coverage may be terminated at any time.

(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.

(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.

(G) 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.

(H)

(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 disabled prior to the attainment of the limiting age for coverage of children.



(d) The child met the eligibility requirements included in division (D) of this rule at the time the disability occurred; and

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

(f) 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.

(d) Proof that the disabled child applied for Medicare insurance, and

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

(I)

(1) 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.

(2) 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.

(3) Divisions (H)(1) and (H)(2) of this rule will not apply to a dependent who enrolled in both medicare part A and medicare part B coverage prior to

January 1, 2018.

- (4) If the cost of primary coverage pursuant to division (H)(1) or (H)(2) 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.
- (J) An individual who receives benefits in accordance with section 5505.16, 5505.17, or 5505.18 of the Revised Code may 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 calendar year 2017 and each year thereafter shall be zero.
- (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) 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.
- (K) 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.
- (L) Anyone who is eligible for a benefit based only on (1) an election in accordance with section 5505.162 of the Revised Code, (2) divisions (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.
- (M) 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.

(N) 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.

Replaces: 5505-7-04  
Effective: 07/20/2017  
Five Year Review (FYR) Dates: 07/20/2022

CERTIFIED ELECTRONICALLY

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Certification

07/10/2017

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Date

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