

2010 -- H 7678

LC00393

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- INSURANCE BENEFITS

Introduced By: Representative Peter F. Kilmartin

Date Introduced: February 25, 2010

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 36-12-1 and 36-12-2 of the General Laws in Chapter 36-12
2 entitled "Insurance Benefits" are hereby amended to read as follows:

3 **36-12-1. Definitions.** -- The following words, as used in sections 36-12-1 -- 36-12-14,
4 shall have the following meanings:

5 (1) "Employer", means the state of Rhode Island.

6 (2) "Employee", means all persons who are classified employees as the term "classified
7 employee" is defined under section 36-3-3, and all persons in the unclassified and non-classified
8 service of the state; provided, however, that the following shall not be included as "employees"
9 under sections 36-12-1 -- 36-12-14:

10 (i) Part-time personnel whose work week is less than ~~twenty (20)~~ thirty-five (35) hours a
11 week and limited period and seasonal personnel;

12 (ii) Members of the general assembly, its clerks, doorkeepers, and pages.

13 (3) "Dependents" means an employee's spouse, domestic partner and unmarried children
14 under nineteen (19) years of age. Domestic partners shall certify by affidavit to the benefits
15 director of the division of personnel that the (i) partners are at least eighteen (18) years of age and
16 are mentally competent to contract, (ii) partners are not married to anyone, (iii) partners are not
17 related by blood to a degree which would prohibit marriage in the state of Rhode Island, (iv)
18 partners reside together and have resided together for at least one year, (v) partners are financially
19 interdependent as evidenced by at least two (2) of the following: (A) domestic partnership

1 agreement or relationship contract; (B) joint mortgage or joint ownership of primary residence,
2 (C) two (2) of: (I) joint ownership of motor vehicle; (II) joint checking account; (III) joint credit
3 account; (IV) joint lease; and/or (D) the domestic partner has been designated as a beneficiary for
4 the employee's will, retirement contract or life insurance. Misrepresentation of information in the
5 affidavit will result in an obligation to repay the benefits received, and a civil fine not to exceed
6 one thousand dollars (\$1000) enforceable by the attorney general and payable to the general fund.
7 The employee will notify the benefits director of the division of personnel by completion of a
8 form prescribed by the benefits director when the domestic partnership ends.

9 (4) "Retired employee", means all persons retired from the active service of the state,
10 who, immediately prior to retirement, were employees of the state as determined by the
11 retirement board under section 36-8-1, and also all retired teachers who have elected to come
12 under the employees' retirement system of the state of Rhode Island.

13 (5) "Long-term health care insurance", means any insurance policy or rider advertised,
14 marketed, offered, or designed to provide coverage for not less than twelve (12) consecutive
15 months for each covered person on an expense incurred, indemnity, prepaid, or other basis for
16 one or more necessary or medically necessary diagnostic, preventive, therapeutic, rehabilitative,
17 maintenance, or personal care services, provided in a setting other than an acute care unit of a
18 hospital. The term includes: group and individual policies or riders whether issued by insurers,
19 fraternal benefit societies, nonprofit health, hospital, and medical service corporations; prepaid
20 health plans, health maintenance organizations; or any similar organization. Long-term health
21 care insurance shall not include: any insurance policy which is offered primarily to provide basic
22 medicare supplement coverage; basic hospital expense coverage; basic medical-surgical expense
23 coverage; hospital confinement indemnity coverage; major medical expense coverage; disability
24 income protection coverage; accident only coverage; specified disease or specified accident
25 coverage; or limited benefit health coverage. This list of excluded coverages is illustrative and is
26 not intended to be all inclusive.

27 (6) "Retiree health care insurance", means the health benefit employees who retire from
28 active service of the state (subsequent to July 1, 1989), who immediately prior to retirement were
29 employees of the state as determined by the retirement board pursuant to section 36-8-1, shall be
30 entitled to receive, which shall be equal to semi-private hospital care, surgical/medical care and
31 major medical with a one hundred seventy-five dollar (\$175) calendar year deductible.
32 Employees who retire prior to age sixty-five (65) shall, upon the attainment of medicare
33 eligibility, receive hospital care, surgical/medical services, rights and benefits which, when taken
34 together with their federal medicare program benefits (public law 89-97), 42 U.S.C. section 1305

1 et seq., shall be comparable to those provided for retirees prior to that age. The aforementioned
2 program will be provided on a shared basis in accordance with section 36-12-4.

3 **36-12-2. Hospital care and surgical-medical service benefits.** -- (a) Employees of the
4 state of Rhode Island shall receive, in addition to wages, salaries, and any other remuneration or
5 benefits, hospital care and surgical-medical services, rights, and benefits purchased by the
6 director of administration pursuant to section 36-12-6, with the specific condition that the benefits
7 and services provided by the carrier(s) will be substantially equivalent to those set forth in any
8 collective bargaining agreement(s) executed between the state of Rhode Island and authorized
9 representatives of the unions representing state employees or the health care coverage presently
10 being provided.

11 (b) The state will work diligently with leadership of organized labor in order to ensure
12 competitive, cost effective health care services for all employees of the state who may be eligible
13 for those benefits.

14 (c) Any new plan must accept pre-existing conditions for those individuals who will be
15 covered by the new policy.

16 (d) Part-time employees whose work week is less than ~~twenty (20)~~ thirty-five (35) hours
17 a week may purchase the benefits set forth above. The employees shall pay the same rate for the
18 benefits as the group rate paid by the state for the benefits. Payments for the benefits may be
19 deducted in accordance with the provisions of section 36-12-3.

20 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- INSURANCE BENEFITS

1 This act would change the definition of part-time state employee regarding eligibility for
2 medical insurance benefits. It would increase the minimum weekly hours worked from twenty
3 (20) to thirty-five (35) hours.

4 This act would take effect upon passage.

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