

2023 -- S 0211

LC001209

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO PUBLIC OFFICERS AND EMPLOYEES - INSURANCE BENEFITS

Introduced By: Senators Miller, Sosnowski, and Lawson

Date Introduced: February 16, 2023

Referred To: Senate Finance

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 entitled
2 "Insurance Benefits" are hereby amended to read as follows:

3 **36-12-1. Definitions.**

4 The following words, as used in §§ 36-12-1 — 36-12-14, shall have the following
5 meanings:

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

7 (2) "Employee," means all persons who are classified employees as the term "classified
8 employee" is defined under § 36-3-3, and all persons in the unclassified and non-classified service
9 of the state, including adjunct faculty members at any state community college, state college, or
10 state university who shall teach at least fifty percent (50%) of the faculty load worked by regular
11 full-time faculty in an academic semester; provided, however, that the following shall not be
12 included as "employees" under §§ 36-12-1 — 36-12-14:

13 (i) Part-time personnel whose work week is less than twenty (20) hours a week and limited
14 period and seasonal personnel;

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

16 (3) "Dependents" means an employee's spouse, domestic partner and unmarried children
17 under nineteen (19) years of age. Domestic partners shall certify by affidavit to the benefits director
18 of the division of personnel that the (i) partners are at least eighteen (18) years of age and are
19 mentally competent to contract, (ii) partners are not married to anyone, (iii) partners are not related

1 by blood to a degree which would prohibit marriage in the state of Rhode Island, (iv) partners reside
2 together and have resided together for at least one year, (v) partners are financially interdependent
3 as evidenced by at least two (2) of the following: (A) domestic partnership agreement or
4 relationship contract; (B) joint mortgage or joint ownership of primary residence, (C) two (2) of:
5 (I) joint ownership of motor vehicle; (II) joint checking account; (III) joint credit account; (IV)
6 joint lease; and/or (D) the domestic partner has been designated as a beneficiary for the employee's
7 will, retirement contract or life insurance. Misrepresentation of information in the affidavit will
8 result in an obligation to repay the benefits received, and a civil fine not to exceed one thousand
9 dollars (\$1,000) enforceable by the attorney general and payable to the general fund. The employee
10 will notify the benefits director of the division of personnel by completion of a form prescribed by
11 the benefits director when the domestic partnership ends.

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

16 (5) "State retiree," means all persons retired from the active service of the state who,
17 immediately prior to retirement, were employees of the state as determined by the retirement board
18 under § 36-8-1.

19 (6) "Teacher retiree," means all retired teachers who have elected to come under the
20 employees' retirement system of the state of Rhode Island.

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

1 (8) "Non-Medicare-eligible retiree healthcare insurance," means the health benefit
2 employees who retire from active service of the state (subsequent to July 1, 1989), who immediately
3 prior to retirement were employees of the state as determined by the retirement board pursuant to
4 § 36-8-1, shall be entitled to receive until attaining Medicare eligibility. This healthcare insurance
5 shall be equal to semi-private hospital care, surgical/medical care and major medical with a one
6 hundred seventy-five dollar (\$175) calendar year deductible. The aforementioned program will be
7 provided on a shared basis in accordance with § 36-12-4.

8 (9) "Medicare-eligible retiree healthcare insurance," means the health benefit employees
9 who retire from active service of the state (subsequent to July 1, 1989), who immediately prior to
10 retirement were employees of the state as determined by the retirement board pursuant to § 36-8-
11 1, shall have access to when eligible for Medicare. This healthcare insurance shall include plans
12 providing hospital care, surgical/medical services, rights and benefits which, when taken together
13 with their federal Medicare program benefits, 42 U.S.C. § 1305 et seq., shall be comparable to
14 those provided for retirees prior to the attainment of Medicare eligibility.

15 (10) "Health reimbursement arrangement," or "HRA" means an account that:

16 (i) Is paid for and funded solely by state contributions;

17 (ii) Reimburses a Medicare-eligible state retiree for medical care expenses as defined in §
18 213(d) of the Internal Revenue Code of 1986, as amended, which includes reimbursements for
19 healthcare insurance premiums;

20 (iii) Provides reimbursements up to a maximum dollar amount for a coverage period; and

21 (iv) Provides that any unused portion of the maximum dollar amount at the end of a
22 coverage period is carried forward to increase the maximum reimbursement amount in subsequent
23 coverage periods.

24 **36-12-2. Hospital care and surgical-medical service benefits.**

25 (a) Employees of the state of Rhode Island shall receive, in addition to wages, salaries, and
26 any other remuneration or benefits, hospital care and surgical-medical services, rights, and benefits
27 purchased by the director of administration pursuant to § 36-12-6, with the specific condition that
28 the benefits and services provided by the carrier(s) will be substantially equivalent to those set forth
29 in any collective bargaining agreement(s) executed between the state of Rhode Island and
30 authorized representatives of the unions representing state employees or the health care coverage
31 presently being provided. Adjunct faculty members at any state community college, state college,
32 or state university, who teach at least fifty percent (50%) of the faculty load hours worked by regular
33 full-time faculty in any academic semester, shall be eligible for benefits as provided for in this
34 section.

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

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

6 (d) Part-time employees whose work week is less than twenty (20) hours a week, including
7 adjunct faculty members at any state community college, state college, or state university who teach
8 less than fifty percent (50%) of the faculty load hours worked by regular full-time faculty in any
9 academic semester, may purchase the benefits set forth above. The employees shall pay the same
10 rate for the benefits as the group rate paid by the state for the benefits. Payments for the benefits
11 may be deducted in accordance with the provisions of § 36-12-3.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would enable adjunct faculty members at any state college or university, who teach
2 at least fifty percent (50%) of the hours regularly worked by full-time faculty in an academic
3 semester, to be eligible for the same medical insurance state, hospital care and surgical-medical
4 service benefit as other state employees.

5 This act would take effect upon passage.

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