

805 CMR: GROUP INSURANCE COMMISSION

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805 CMR 1.00: GENERAL PROVISIONS

Section

1.01: Authority

1.02: Definitions

1.01: Authority

805 CMR 1.00 through 9.00 is promulgated in accordance with the authority granted to the Group Insurance Commission by M.G.L. c. 32A and c. 32B, § 19.

(1) Administrative Bulletins. The Group Insurance Commission may issue administrative informational bulletins that provide the following:

- (a) set out policies that are consistent with the substantive provisions of the Commission's regulations;
- (b) specify the information and documentation necessary to implement the regulations;
- (c) provide interpretations of the regulations; and
- (d) to assist persons subject to the regulations to meet their obligations.

(2) Severability. The provisions of 805 CMR 1.00 through 9.00 are severable. If any provision or the application of any provision is held to be invalid or unconstitutional, such invalidity shall not be construed to affect the validity or constitutionality of any remaining provisions of 805 CMR 1.00 or the application of such provisions.

1.02: Definitions

As used in 805 CMR 1.00 through 9.00, the terms in 805 CMR 1.02 have the following meanings:

Additional (Optional) Life Insurance. Commission-sponsored Term Life and Accidental Death and Dismemberment Insurance, based upon a State Employee's annual compensation and age, for which State Employees and State Retirees pay the full premium cost and which is in addition to the Basic Life Insurance.

Annual Enrollment. The period in which eligible insured and uninsured persons may enroll themselves and their Dependents in the Commission's benefit programs or make changes to their status or benefits in those programs that become effective on July 1st.

Basic Life Insurance. Commission-sponsored Term Life and Accidental Death and Dismemberment Insurance, for which eligible Employees and Retirees pay a portion of the premium cost and the Commonwealth pays the premium balance.

Calendar Month. For the purpose of premium payments and Commission coverage, a full month, *e.g.*, March 1st through March 31st.

Child.

- (a) A son or daughter by birth or legal adoption (including any probationary period);
- (b) a minor placed in an adult's custody pursuant to an order from a court of competent jurisdiction, including a guardianship order; or
- (c) a person who is dependent upon another person for support and who lives in that other person's household, where there is evidence of a parent-child relationship satisfactory to the Commission, younger than 26 years old or two years after the child ceases to be an IRS dependent, whichever occurs first.

COBRA. Consolidated Omnibus Budget Reconciliation Act.

Commission. The Commonwealth of Massachusetts Group Insurance Commission.

Contributory Insurance. Insurance for which Employees and Retirees pay part of the premium and the Employer or the Commonwealth pays the premium balance.

1.02: continued

Continuation Coverage. Federal and state non-group coverage, including COBRA and conversion coverage, available to those who were formerly Insureds but whose eligibility for group insurance coverage through the Commission has ended.

Deferred Retirees. Former Employees whose employment has terminated and who have vested rights to a retirement allowance, currently deferred, relating to their employment. Persons receiving a pension or retirement allowance whose monies are withdrawn or transferred to a non-participating retirement system are not Deferred Retirees. Otherwise qualified Former Municipal Employees may only be Deferred Retirees for as long as their Municipal Employer continues to offer insurance to Municipal Insureds through the Commission.

Dental and Vision Benefits. Dental benefits for certain preventive and other non-preventive dental care, and vision benefits for certain preventive vision care, products and services, available to eligible Insureds pursuant to 805 CMR 9.22: *Dental and Vision Benefits*.

Dependent.

- (a) A Spouse of an insured Employee or Retiree;
- (b) A Former Spouse of an insured Employee or Retiree entitled to coverage pursuant to M.G.L. c. 32A, § 11A or M.G.L. c. 32B, §§ 9B, 9D, 9D½ and 9D¾;
- (c) Younger than 19 years of age, or two years after ceasing to be an IRS dependent, but only to age 26, the Child of:
 1. an insured Employee or insured Retiree;
 2. an Employee's or Retiree's insured Spouse or insured Surviving Spouse; or
 3. an Employee's or Retiree's insured Former Spouse, to the extent the Child was born prior to the date the divorce became final.
- (d) Younger than 26 years of age, the IRS dependent of an insured Employee, Retiree, or Surviving Spouse;
- (e) Younger than 26 years of age, a person who was previously an IRS dependent of an insured Employee, Retiree, or Surviving Spouse, for two years after ceasing to be an IRS dependent;
- (f) The Child of a person who is eligible as a Dependent under 805 CMR 1.02: Dependent(c), (d), or (e);
- (g) A Child who is dependent upon an insured Employee, Retiree, or Surviving Spouse for support and who lives in the Employee, Retiree, or Survivor's household, where there is evidence of a parent-child relationship satisfactory to the Commission, younger than 26 years of age or two years after the child ceases to be an IRS dependent, whichever occurs first;
- (h) A Student who is the Child of an insured Employee or Retiree, or of an insured Employee's or Retiree's Spouse, Surviving Spouse or Former Spouse, and that Student's Children, if any;
- (i) A Handicapped Dependent as defined in 805 CMR 1.02: Handicapped Dependent;
- (j) A Child of an insured Employee, Retiree, Spouse, Former Spouse, or Surviving Spouse, younger than 26 years of age.

Elderly Governmental Retirees. Employees who:

- (a) retired from the Commonwealth or one of its political subdivisions before January 1, 1956; and
- (b) who are eligible for separate insurance coverage under the provisions of M.G.L. c. 32A, § 10B; or
- (c) who retired from a city, town, or district that has accepted M.G.L. c. 32B, § 11B and were pensioned before that city, town, or district accepted M.G.L. c. 32A, § 10B;

Emergency Employment. Employment for an unforeseen Employer emergency, limited to a specified time period, usually not more than 30 days.

Employee. Person whose time is devoted to the service of the Commonwealth or one of its political subdivisions that is authorized to participate in Commission benefit programs by express reference in state law, who works during the Regular Work Week of permanent employees and who contributes to a State pension system, a Housing, Redevelopment or Optional Retirement Plan, or another public sector retirement system; or a person elected by popular vote to state or local government office during the term that he or she holds office. State and municipal board, commission or authority members who do not work a Regular Work Week and its requisite statutory hours are not Employees unless expressly otherwise authorized by law. Contributions to an OBRA Plan do not constitute contributions to a public retirement system.

1.02: continued

Employer. The Commonwealth or one of its political subdivisions that participates in certain Commission benefit programs by express statutory authority.

Family Health Coverage. Commission health coverage that includes a person entitled to and enrolled in Commission coverage and his or her eligible dependents.

Former Spouse. A person who was formerly married to an Employee or Retiree and who has been granted a judgment of divorce or of separate support.

Group Insurance Coordinator. The person at each reporting location who acts as a liaison between the reporting location and the Commission on matters involving the employer's and its employees' participation in the Commission's programs.

Half-time, Half-time Employees. Active employees who work at least 18.75 hours in a regular work week of 37.5 hours, or 20 hours in a regular work week of 40 hours.

Handicapped Dependent. A Child of an insured Employee, Retiree or Surviving Spouse, 19 years of age or older, who:

- (a) upon attaining 19 years of age, was mentally or physically disabled and incapable of earning his or her own living;
- (b) earns an annual income of less than 200% of the Federal Poverty Level; and
- (c) if enrolling after 26 years of age, other than as the Dependent of a new Enrollee, demonstrates satisfactory proof of involuntary loss of other coverage.

Health Care Spending Account. A pre-tax program through which active State Employees who work at least Half Time pay through payroll deduction on a pre-tax basis for non-covered health-related expenses.

Health Coverage, Health Insurance. Health benefits provided by the Commission to eligible Employees and Retirees and their eligible dependents pursuant to M.G.L. chs. 32A and 32B.

Individual Health Coverage. Health Coverage for a person entitled to and enrolled in a Commission health plan.

Insured. An Employee, Retiree, Survivor, or Dependent eligible for and enrolled in Commission coverage.

Local Governmental Unit. A county, city, town or district that participates in the Commission's Retired Municipal Teacher program.

Long-term Disability Insurance. An income replacement program that qualifies a State Employee to receive a percentage of his or her gross monthly salary, tax-free, after illness or injury renders him or her unable to work for more than 90 consecutive days.

Municipal Employee, Retiree, Survivor, or Dependent. An Employee, Retiree, Survivor, or Dependent whose eligibility for Health Coverage derives from employment or prior employment with a Municipal Employer.

Municipal Employer. A Massachusetts county, city, town or district that is an Employer by virtue of having formally agreed or obtained an order to transfer its Employees, Retirees, Survivors, and Dependents to Commission Coverage pursuant to M.G.L. c. 32B, § 19 or 23, including the city of Lawrence, to the extent it is deemed to have accepted M.G.L. c. 32B, § 19, per St. 2010, c. 58, § 4(f).

Municipal Insured. A Municipal Employee, Retiree, Survivor, or Dependent eligible for and enrolled in Commission coverage.

1.02: continued

Nondiscriminatory Basis. Plans whose coverage does not contain any annual or lifetime dollar or unit of service limitation imposed for care provided by one type of participating provider that is less than any annual or lifetime dollar of unit of service limitation imposed on coverage for the same services by other types of participating providers.

Nurse Practitioner. A Massachusetts licensed registered nurse in good standing who holds authorization in advanced nursing practice as a nurse practitioner under M.G.L. c. 112, § 80B.

OBRA Plan. A deferred compensation plan that serves as an alternative to Social Security as permitted by the federal Omnibus Budget Reconciliation Act of 1990, (PL101-508, 104 Stat. 1388).

Physician Assistant. A registered Massachusetts physician assistant in good standing who is supervised by a registered physician in accordance with M.G.L. c. 112, §§ 9C through 9K.

Regular Work Week. An employee's work, in the service of an Employer of no fewer than 18.75 hours, regularly, in a position for which the established work week is 37.5 hours or no fewer than 20 hours, regularly, in a position for which the established work week is 40 hours, or which meets other statutory requirements. Such hours averaged over any period of time do not constitute a Regular Work Week.

Retired Municipal Teachers. Retired teachers of political subdivisions of the Commonwealth that have accepted M.G.L. c. 32B, § 11E, whose applications for coverage are approved by the Commission and who receive a pension from the State Teachers' Retirement Board and who are not eligible for Elderly Governmental Retiree coverage.

Retiree. A person formerly in the service of the Commonwealth or one of its political subdivisions that is authorized to participate in Commission benefit programs by express reference in state law, whose services ended on or after January 1, 1956 and who are eligible for and are receiving and continue to receive a retirement or pension allowance from a participating retirement system, including from the Board of Higher Education's Optional Retirement Program, but excluding any OBRA Plan.

Retirement. A status that entitles a former Employee to a pension or retirement allowance under any general or special law, either at the time of employment termination or at some future date.

Seasonal Employment. Employment in a single position with recurring duties for a short duration, usually for three months or less.

Separated Spouses. Spouses who are granted a judgment of separate support or other related legal relief.

Spouse. Person joined in marriage, as recognized by state law, to an Employee or Retiree.

State Employee, Retiree, Dependent, or Survivor. An Employee, Retiree, Dependent, or Survivor who is eligible for benefits pursuant to M.G.L. c. 32A. Retired Municipal Teachers and Elderly Governmental Retirees are State Retirees. An Employee, Retiree, Dependent, or Survivor who is eligible for benefits only pursuant to M.G.L. c. 32B, § 19 or § 23, is not a State Employee, Retiree, Dependent, or Survivor.

Student. Child 19 years of age or older but younger than 26 years old who attends an accredited educational or vocational institution on a full-time basis.

Surviving Dependent. A deceased insured Employee's or a deceased insured Retiree's Child Dependent, who, younger than 26 years old, the Child had no surviving parent.

Surviving Spouse. A widow or widower of an insured Employee or Retiree, until death or remarriage. Persons divorced or legally separated from insured Employees or Retirees are not Surviving Spouses.

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1.02: continued

Survivor. A Surviving Spouse or Surviving Dependent.

REGULATORY AUTHORITY

805 CMR 1.00: M.G.L. c. 32A, § 2.

NON-TEXT PAGE