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IDAPA 38  
TITLE 03  
CHAPTER 01

**IDAPA 38 – DEPARTMENT OF ADMINISTRATION**

**38.03.01 – RULES GOVERNING GROUP INSURANCE**

**000. LEGAL AUTHORITY.**

The following rules are promulgated in accordance with Sections 67-5761(1)(b), Idaho Code. (3-29-10)

**001. TITLE AND SCOPE.**

**01. Title.** These rules shall be cited as IDAPA 38.03.01, “Rules Governing Group Insurance.” (3-29-10)

**02. Scope.** Pursuant to Section 67-5761, Idaho Code, these rules set forth eligibility for the state of Idaho’s group insurance. (7-1-14)

**002. WRITTEN INTERPRETATIONS.**

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, the Department of Administration may have written statements that pertain to the interpretation of these rules or to the documentation of compliance with these rules. Any such documents are available for public inspection and copying at the office of this agency, with the exception of those documents that are exempt from disclosure pursuant to Section 74-106, et. seq., Idaho Code, and the Health Insurance Portability Accountability Act. (3-29-10)

**003. -- 005. (RESERVED)**

**006. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference in this chapter. (3-29-10)

**007. OFFICE – OFFICE HOURS – MAILING AND STREET ADDRESS.**

The Office of Group Insurance is located at 650 W. State St., Suite 145, Boise, Idaho 83702. The mailing address is P.O. Box 83720, Boise, Idaho 83720-0035. Office hours are 8 a.m. to 5 p.m., Monday through Friday. (3-29-10)

**008. PUBLIC RECORDS ACT COMPLIANCE.**

All rules contained in this chapter are subject to and in compliance with the Idaho Public Records Act, Title 74, Chapter 1, Idaho Code. (3-29-10)

**009. -- 010. (RESERVED)**

**011. DEFINITIONS.**

**01. Child.** Child includes a natural child, stepchild, adopted child or child in the process of adoption from the time placed with the eligible active employee or eligible retiree. The term also includes a child legally dependent upon the eligible active employee, the eligible active employee’s spouse, the eligible retiree or the eligible retiree’s spouse for support where a normal parent-child relationship exists with the expectation that the eligible active employee or eligible retiree will continue to rear that child to adulthood. The definition does not include a child where one or both of that child’s natural parents live in the same household with the eligible active employee or eligible retiree, as a parent-child relationship is not deemed to exist even though the eligible active employee, eligible retiree or their spouses provide support. (3-29-10)

**02. Date of Hire.** The first day an individual begins work for the state or his employer. (3-29-10)

**03. Director.** The director of the Department of Administration. (3-29-10)

**04. Eligible Active Employee.** An officer or employee of a state agency, department or institution,

including a state official, elected official or employee of another governmental entity which has contracted with the state of Idaho for group insurance coverage, who is working twenty (20) hours or more per week, and who is not classified by their employer as a seasonal employee or a part-time temporary employee. (3-25-16)

**a.** Seasonal Employee. An employee in a position for which the customary annual employment is six (6) months or less. (3-25-16)

**b.** Part-Time Temporary Employee. An employee who is expected, at the time of hire, to work twenty (20) hours or more per week but less than thirty (30) hours per week, and whose term of employment is not expected to exceed five (5) consecutive months. (3-25-16)

**05. Eligible Dependent of an Eligible Active Employee.** An eligible dependent of an eligible active employee who is enrolled in group insurance, is a person who is any of the following: (3-29-10)

**a.** The spouse of an eligible active employee. (3-29-10)

**b.** A child up to the age of twenty-six (26) of an eligible active employee or an eligible active employee's spouse. (7-1-14)

**06. Eligible Dependent of an Eligible Retiree.** An eligible dependent of an eligible retiree who is enrolled in group insurance, is a person who is any of the following: (3-29-10)

**a.** The non-Medicare-eligible spouse of an eligible retiree. (3-29-10)

**b.** A child up to the age of twenty-six (26) of an eligible retiree or an eligible retiree's spouse. (7-1-14)

**07. Eligible Retiree.** A person who is any of the following: (3-29-10)

**a.** An officer or employee of a state agency, department or institution, including state and elected officials, who retired on or before June 30, 2009, and who is not Medicare eligible. (3-29-10)

**b.** An officer or employee of a state agency, department or institution, including state and elected officials, who meets all of the following: (3-29-10)

**i.** He retires after June 30, 2009, and retires directly from state employment. (3-29-10)

**ii.** He is not Medicare eligible. (3-29-10)

**iii.** He was hired on or before June 30, 2009, and has at least twenty thousand eight hundred (20,800) credited state service hours on or before June 30, 2009, is reemployed, reelected or reappointed after June 30, 2009, and accrues an additional six thousand two hundred forty (6,240) continuous credited state service hours. (3-21-12)

**c.** A person receiving benefits from a state of Idaho retirement system who has at least twenty thousand eight hundred (20,800) credited state service hours in a state of Idaho retirement system, and who is not Medicare eligible. (3-21-12)

**08. Group Insurance.** Medical, dental, vision, life, disability and other types of insurance coverage provided through a carrier who has contracted with the Office of Group Insurance to provide such insurance to eligible active employees, eligible retirees and their dependents. (3-29-10)

**09. Health Care Coverage.** Medical insurance coverage provided through a carrier who has contracted with the Office of Group Insurance to provide medical insurance to eligible active employees, eligible retirees and their dependents. (3-29-10)

**10. Medicare Eligible.** A person who is age sixty-five (65) or older and qualifies to receive Medicare. (3-29-10)

012. -- 019. (RESERVED)

020. ELIGIBILITY FOR GROUP INSURANCE.

01. **Group Insurance Eligibility.** The following individuals who meet the eligibility criteria are qualified to apply for and receive group insurance coverage from the state of Idaho: (3-29-10)

a. Eligible active employees. (3-29-10)

b. Eligible dependents of an eligible active employee. (3-29-10)

02. **Health Care Coverage Eligibility.** The following individuals who meet the eligibility criteria are qualified to apply for and receive health care coverage from the state of Idaho. (3-29-10)

a. Eligible retirees. (3-29-10)

i. An eligible retiree must enroll in health care coverage from the state of Idaho within sixty (60) calendar days of the date of retirement to be eligible for continuous health care coverage. (3-29-10)

b. Eligible dependents of an eligible retiree. (3-29-10)

03. **Eligible Retiree or Eligible Retiree's Dependent as Late Enrollee.** If an eligible retiree does not enroll in health care coverage from the state of Idaho within sixty (60) calendar days of the date of his retirement, or does not enroll his dependent in health care coverage from the state of Idaho within sixty (60) calendar days of the date of his retirement, the eligible retiree or his dependent may be eligible for health care coverage as a late enrollee. Late enrollees are not eligible for continuous health care coverage. (3-29-10)

04. **Other Eligibility.** All other eligibility criteria not found in these rules are set forth in the contracts between the Office of Group Insurance and the group insurance carriers. An individual is not eligible for group insurance or health care coverage unless he meets the eligibility criteria set forth in these rules and the eligibility criteria set forth in the contract between the respective carrier and the Office of Group Insurance. (3-29-10)

021. -- 029. (RESERVED)

030. EXCEPTIONS TO ELIGIBILITY.

01. **Dual Eligibility.** Neither an eligible active employee's spouse nor an eligible retiree's spouse is eligible for group insurance or health care coverage if that spouse is an eligible active employee or an eligible retiree and is enrolled in group insurance or health care coverage. (3-29-10)

02. **Dual Eligibility of a Dependent Child.** An eligible dependent child is eligible for group insurance under one or the other parent's group insurance policy, but not both, where both parents are eligible active employees, eligible retirees or are an eligible active employee and an eligible retiree. (3-29-10)

031. EFFECTIVE DATE OF COVERAGE.

Once the eligible active employee or eligible retiree has enrolled himself and his dependents in group insurance and eligibility has been established, the effective dates of group insurance coverage is governed by the contracts between the respective carrier and the Office of Group Insurance. (3-29-10)

032. LOSS OF ELIGIBILITY.

01. **Eligible Active Employee Separation.** An eligible active employee and his dependents are no longer eligible for group insurance when the employee separates employment. An employee or former employee may be qualified to extend group insurance coverage after separation under provisions of federal and state law. (3-29-10)

02. **Eligible Dependents.** An Eligible Dependent loses coverage when he no longer meets eligibility

requirements in Subsection 011.05 of this rule. Group insurance coverage will terminate on the last day of the month in which the child turns 26. (3-21-12)

**03. Retiree Becomes Medicare Eligible.** A retiree is no longer eligible for health care coverage when the retiree becomes Medicare eligible. A Medicare-eligible retiree's dependent spouse, who is not Medicare eligible, and eligible dependent children, remain eligible for health care coverage until the spouse becomes Medicare eligible. (3-29-10)

**04. Retiree's Dependent Spouse Becomes Medicare Eligible.** A retiree's dependent spouse and children are no longer eligible for health care coverage when the retiree's dependent spouse becomes Medicare eligible. (3-21-12)

**033. ELIGIBILITY FOR RETIREE SUBSIDY OF ONE HUNDRED FIFTY-FIVE DOLLARS.**

**01. Eligible Retiree Monthly Subsidy.** An eligible retiree enrolled as a retiree for health care coverage and who is not Medicare eligible, shall receive a one hundred fifty-five dollars (\$155) subsidy per month toward his health care coverage premiums at the end of the month the eligible retiree becomes Medicare eligible. (3-29-10)

**a.** An eligible retiree enrolled as a dependent is not entitled to receive a one hundred fifty-five dollars (\$155) subsidy per month. (3-29-10)

**b.** The subsidy will be paid by the state of Idaho to the Office of Group Insurance to offset the cost of the monthly premiums charged to the eligible retiree for health care coverage, and at no time will the subsidy be paid directly to the eligible retiree. (3-29-10)

**034. -- 049. (RESERVED)**

**050. CHANGES TO ELIGIBILITY RULES.**

Changes, modifications or amendments to these rules that affects an individual's eligibility shall not be effective until those changes, modifications or amendments are included in the contract between the respective carrier and the Office of Group Insurance. (3-29-10)

**051. -- 054. (RESERVED)**

**055. NO RIGHTS OR BENEFITS CREATED.**

Nothing contained in these rules creates additional group insurance coverage, policy, contract or benefits, nor does it create any vested right or benefit for any employee, retiree or their dependents. (3-29-10)

**056. -- 999. (RESERVED)**

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