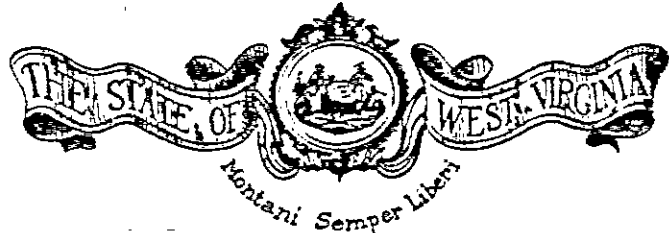


Chsel



FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE

THIS DATE Sept 8, 1983
Administrative Law Division

A. JAMES MANCHIN
SECRETARY OF STATE

OFFICE OF THE SECRETARY OF STATE
CHARLESTON 25305

STATE REGISTER FILING

I, Si Galperin, Jr., Executive Secretary,
Title or position

Public Employees Insurance Board, hereby submit to record in
Department or division

the State Register on 8½ x 11" paper two (2) copies of

- () proposed rules and regulations concerning topics of material not covered by existing rules and regulations;
- () proposed rules and regulations superseding rules and regulations already on file;
- () notice of hearing;
- () findings and determinations;
- () rules and regulations;
- (X) other - specify Amended legislative rules.

This filing pertains to

Chapter _____
Article _____
Series _____
Section _____
Page No. _____

- () proposed rules and regulations are required to go to Legislative Rule Making Committee;
- () proposed rules and regulations are excluded from Legislative Rule Making Committee;

September 8, 1983
Date Submitted

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that the requirements of chapter twenty-nine-A [29A-1-1 et seq.] of the Virginia Code of 1931, as amended, are met.

Section 2. Definitions

2.01. Definitions - The terms "Board", "employee", "retired employee", and "employer", as used in these rules shall have the same definitions as these terms are given in West Virginia Code 5-16-2. The following words and phrases as used in these rules, unless a different meaning is clearly indicated by context, shall have the following meanings:

(a) "Carrier" shall mean any agency, corporation, insurance company, state fund, or service organization engaged in the business of providing insurance coverage contemplated by the Board.

(b) "Children" shall mean unmarried children between birth and age nineteen and shall include: (1) The employee's natural children, (2) legally adopted children, including children living with the employee during the period of probation, (3) step-children residing in the employee's household, and (4) other children fully dependent upon the employee for support and maintenance and residing in the household of which the employee is head and actually being supported by the employee. Children may be included after the attainment of age nineteen, but not beyond the attainment of age twenty-five, if they are enrolled as full-time students, are unmarried, and are fully dependent upon the employee for support. Children may also be included after the attainment of age nineteen while incapable of self-support because of a mental retardation or a physical handicap, if the child was a dependent upon the employee for support and maintenance at the onset of the mental retardation or physical handicap.

(c) "Dependent" shall mean the employee's spouse, if legally married, and eligible children, as defined in (b) above.

5.04. Payment of Costs During Period of Continued Coverage - During the period of continued coverage in section 5.03 above:

(a) An employee who has paid their share of the cost for the required twelve months prior to termination shall pay no additional amount for the continued coverage.

(b) An employee who has not paid their share of the cost for the required twelve months prior to termination shall continue paying their share of the cost, not to exceed twelve months total, to the payroll location of that prior termination, during the period of continued coverage.

5.05 Re-employment After Involuntary Termination - If an employee in section 5.03 above is again employed or recalled within twelve months of the last date on the payroll, the employee shall not be considered a new enrollee.

5.06. Responsibility of Payroll Location - The payroll location shall be responsible for the termination of employees no longer eligible for coverage under the Plan.

5.07. Coverage for dependents shall terminate at the end of the month in which they no longer meet the definition of "dependent" set forth in section 2.01 of these rules.

Section 6. Appeals Process

6.01. In the event there is a disagreement between the carrier and any insured, the insured shall first apply to the carrier for a determination of the issue.

6.02. Disagreements between the carrier and the insured which cannot be reconciled by the procedure provided by section 6.01 above, and issues arising under the provisions of article 16, chapter 5 of the West Virginia Code of 1931, as amended, or under these rules, shall be submitted in writing to the Executive Secretary for a decision.

6.03. Decisions under section 6.02 above shall be issued in writing by the Executive Secretary. The notice of the decision shall give the parties thirty days in which to apply, in writing, to the Board for review.

6.04. In the event that such review is requested in writing within the above specified time period, and in the event the Board deems such review necessary, the Board shall direct the Executive Secretary to request the Attorney General of the State of West Virginia to provide a qualified, impartial Hearing Examiner, or direct the Executive Secretary to provide a qualified, impartial Hearing Examiner, unless otherwise directed by the Chairman, for the purpose of rendering a determination. Decisions of the Board shall be final.

Section 7. Non-State Agencies

7.01. Participation Agreement - A participation agreement shall be executed between the participating non-state agency and the West Virginia Public Employees Insurance Board governing the participation of said non-state agency in the West Virginia Public Employees Insurance Plan.

7.02. Withdrawal from the Plan - When any participating non-state agency chooses to withdraw from or terminate the West Virginia Public Employees Insurance Plan:

(a) Written ninety days notice shall be required prior to formal withdrawal from the Plan.

(b) All non-state agency retirees participating in the Public Employees Retirement System and covered by the Public Employees Insurance Plan prior to the effective date of these rules shall remain so covered under the conditions of their present coverage.

(c) All non-state agency retirees participating in the Public Employees Retirement System and covered by the Public Employees Insurance


State Auditor
Glen B. Gainer, Jr., Chairman
State Treasurer
Larrie Bailey, Member
Workmen's Compensation
Commissioner
Betty O. Lewis, Member



JOHN D. ROCKEFELLER, IV
GOVERNOR

PUBLIC EMPLOYEES INSURANCE BOARD

Embleton Building, Second Floor
922 Quarrier Street
Charleston, West Virginia 25301
Telephone (304) 348-7850

TO: Legislative Rule-Making Review Committee
FROM: Richard A. Folio 
Acting Executive Secretary
SUBJECT: Amendment to 2.01(b)(4) of proposed legislative rules
DATE: June 14, 1983

After a careful review of the analysis prepared by your analyst, Mr. Edward R. Fleming, Jr., we wish to recommend the following amendment to proposed section 2.01(b)(4), as it was never the intent of the Board to exclude students over age 19 who became incapable of self support due to an accident or otherwise:

2.01. (b) (4), last sentence:

Children may also be included after the attainment of age 19 while incapable of self-support because of a mental retardation or a physical handicap, if the child was covered as a dependent upon the employee for support and maintenance at the onset of the mental retardation or physical handicap.

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TO: Legislative Rule-Making Review Committee
FROM: Si Galperin, Jr. *SJG*
Executive Secretary
SUBJECT: Additional amendments to proposed legislative rules
DATE: August 15, 1983

In addition to the amendment submitted to the committee on June 14, 1983, we wish to recommend the following amendments to our proposed legislative rules:

A. 2.01. (b), first sentence:

"Children" shall mean ~~never~~ unmarried children...

B. 2.01. (b), second sentence:

Children may be included after the attainment of age nineteen, but not beyond the attainment of age twenty-five, if they are enrolled as full-time students, ~~have-never-been~~ are unmarried...

C. 6.03., second sentence:

The notice of the decision shall give the parties thirty days in which to apply, in writing, to the Executive-Secretary Board for review.

D. In response to NB-6, we wish to add an additional section designated section 5.07. as follows:

Coverage for dependents shall terminate at the end of the month in which they no longer meet the definition of "dependent" set forth in section 2.01 of these rules.