

**PROPOSED REGULATION OF THE BOARD OF THE  
PUBLIC EMPLOYEES' BENEFITS PROGRAM**

**LCB File No. R108-12**

~~[287.165—Notification of procedures and forms. (NRS 287.043)—The Program shall notify:~~

~~—1.—Representatives of participating public agencies of the procedures and forms relating to participation in the Program through classes offered by the Program.~~

~~—2.—Participants of the procedures and forms relating to participation in the Program through the orientation program required pursuant to NAC 287.314, the written materials sent to the participants during the period of open enrollment and any orientation program offered to or written materials sent to retired officers or employees.~~

~~—3.—Employees of the Program of all procedures and forms relating to the internal management of the Program by posting such procedures and forms on the Intranet site of the Program. If any procedure or form relating to the internal management of the Program is amended, all employees of the Program will be notified of such amendment in writing or by electronic mail.]~~

**287.314 Provision of information about Program to eligible persons.** 1. ~~[Except as otherwise provided in subsection 4, the]~~ *The* Executive Officer or a designee ~~[of the Executive Officer]~~ *thereof* shall provide ~~[to each person eligible to participate in the Program pursuant to NRS 287.045]~~ information about the Program ~~[.]~~ *to participants, representatives of participating public agencies and employees of the Program.*

2. The information required to be provided pursuant to subsection 1 ~~[.]~~  
~~—(a) Must be sent to the person electronically or by first-class mail within 30 days after the appointment of the person to a participating public agency; and~~

~~—(b) Must~~ *must* include, without limitation:

~~[(1) Enrollment]~~

*(a) Procedures, forms and instructions relating to enrollment and participation in the Program; forms ~~[(1)]~~ or instructions to enroll through the Program's Internet website; and*

~~[(2)]~~ *(b) A summary of the benefits available through the Program.*

3. The Executive Officer or a designee ~~[of the Executive Officer]~~ *thereof* shall make the information about the Program described in ~~[paragraph (b) of]~~ subsection 2 available on ~~[an]~~ :

*(a) An* Internet website established and maintained by the Program ~~[(1)]~~

~~—4. The provisions of this section do not apply to any person who is employed by the Nevada System of Higher Education.]~~ *for participants and representatives of participating public agencies; and*

*(b) An intranet site relating to the internal management of the Program for employees of the Program.*

4. *A notice of how to access the information on the Internet website of the Program or how to request a written copy of the materials required pursuant to subsection 2 shall be provided to participants:*

*(a) Electronically or by first-class mail to new participants within 7 days after the Program is notified of the appointment of the person to a participating public agency; and*

*(b) Electronically or by first-class mail to all participants annually at least 75 days prior to the first day of the following plan year,*

*↪ to the last electronic mail address or mailing address provided by the participant to the Program.*

**287.320 Withdrawal from Program: Procedure; termination of coverage; limitation on reentry; eligibility of certain officers and employees after exclusion of group; liability of Program.**

1. A participating local governmental agency which intends to terminate its interlocal contract and withdraw from the Program must give a written notice to the Executive Officer of the Program at least 60 days before the date on which it intends to withdraw. The effective date of withdrawal is the ~~first~~ *last* day of the month ~~following the month~~ in which the 60-day period expires.

2. ~~Effective November 30, 2008, if~~ *If* a participating local governmental agency withdraws from the Program:

(a) Coverage provided for all active officers and employees of the local governmental agency terminates on the date on which the local governmental agency withdraws from the Program.

(b) Except for retired officers and employees who were enrolled in the Program on November 30, 2008, and continue their participation in the Program, coverage provided for all retired officers and employees of the local governmental agency terminates on the date on which the local governmental agency withdraws from the Program. If a retired officer or employee whose coverage by the Program terminates pursuant to this paragraph qualifies as a dependent of a participant, the termination of coverage pursuant to this paragraph is a qualifying status change for the retired officer or employee.

3. Unless waived by the Board, a participating local governmental agency that withdraws from the Program may not reenter the Program for 3 years after the date on which it withdraws.

4. If a group of officers and employees of a participating local governmental agency who are eligible for health coverage from a health and welfare plan or trust that arose out of collective

bargaining under chapter 288 of NRS or a trust established pursuant to 29 U.S.C. § 186 is excluded from participation in the Program : ~~[on or after November 30, 2008:]~~

(a) Except for retired officers and employees who were enrolled in the Program on November 30, 2008, and continue their participation in the Program, all retired officers and employees who were members of the group will be excluded from participation in the Program;

(b) Active officers and employees in the group are not eligible to participate in the Program after retirement; and

(c) All active and retired officers and employees of the local governmental agency that are not members of the group are eligible to continue their participation in the Program until the date on which the participating local governmental agency terminates its participation in the Program.

~~[If the participating local governmental agency subsequently reestablishes its participation in the Program pursuant to NAC 287.310, such a retired officer or employee may subsequently reinstate in the Program pursuant to NRS 287.023 and 287.0475.]~~

5. Except for retired officers and employees who were enrolled in the Program on November 30, 2008, and continue their participation in the Program, the Program is not liable for any expenses or claims of an officer or employee or retired officer or employee, or any dependents thereof, of the withdrawing local governmental agency or excluded group incurred after the effective date of the withdrawal of the local governmental agency or exclusion of the group from the Program.

**287.540 Coverage of ~~[participating employee of]~~ a State *officer or employee who retires and reenrolls upon retirement or total disability.*** 1. A person who:

(a) At the time of retirement or total disability, was:

(1) Employed by a participating state agency; and

(2) A participant in the Program; and

(b) Within 60 days after the official date of retirement or total disability ~~[-~~

~~(1) Notifies the participating state agency that employed him or her at the time of retirement or total disability of his or her intent to continue coverage in the Program; and~~

~~(2) Reenrolls]~~ *reenrolls* in the Program,

↪ will have uninterrupted benefits and is not subject to any waiting period.

2. ~~[Continued coverage provided to a]~~ A person described in subsection 1 may ~~[be changed by the person]~~ *select any coverage and insurance offered to participants in the Program* at the time of reenrollment pursuant to ~~[subparagraph (2) of]~~ paragraph (b) of subsection 1.

3. *A person who:*

(a) *At the time of retirement or total disability, was:*

(1) *Employed by a participating state agency; and*

(2) *Was not a participant in the Program,*

↪ *may only enroll or reenroll in the Program pursuant to the provisions of NRS 287.0475.*

4. *Coverage provided to a person described in subsection 1 or subsection 3 continues until the person chooses to terminate or decline the coverage. If the person chooses to terminate or decline the coverage, the person may subsequently only reinstate in the Program pursuant to NRS 287.0475.*

**287.620 Assumption regarding availability of benefits under Medicare; coordination with Medicare.** 1. If a medical claim is made by a retired participant who is 65 years of age or older, the Claims Administrator shall assume that benefits are available to the participant pursuant to Medicare Part B.

2. To coordinate benefits under Medicare, the Claims Administrator shall use the first day of the month in which the birthday of the retired participant occurs.

*3. If the Claims Administrator receives notification that a retired participant who is under 65 years of age is eligible for benefits pursuant to Medicare Part B, the Claims Administrator shall coordinate benefits under Medicare as of the first day of the month in which it is notified of the eligibility of the participant.*